

HOW THE SAUSAGE IS MADE:

WHAT REALLY GOES INTO GLOBAL SCREENING



ANDY HELLMAN
Clearstar VP Special Projects

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How the sausage is made:



GLOBAL SCREENING

What actually goes into different screening services globally, such as verifications, criminal records, etc., can vary a lot from country to country and vendor to vendor. Historically, consumers of these services often took them at face value with little diligence done on them. However, as the importance of conducting robust screening has increased, there has been an increased desire to actually understand how the sausage is made.

This content is focused on explaining what can make up different background screening searches, globally, and why they vary.

The ultimate goal is to make you an educated consumer of global background screening, so that you can make informed decisions in selecting, using, and selling these services. The goal is NOT to explore compliance issues, or tell you which services you should or should not use.

WHAT GOES INTO A SPECIFIC SEARCH?

KNOWLEDGE OF VENDOR IN THAT PARTICULAR REGION

Nobody can be a specialist everywhere. Some vendors have more experience and knowledge in certain areas and regions than others. This can be due to where they have office locations, where their customers are located, or where their staff has worked before.

If a particular country or region is important to you, perhaps because you are winning more business there, or want to expand, it is important to ensure that your vendor can support you in that area. They should be able to provide you with answers on local laws and regulations, what common practice is, and what the local flavors are for each search.

LOCAL LANGUAGE ABILITIES

For some searches, local language capabilities are not always important. However, for many searches, language skills can be critical to conducting a quality check. For example, when conducting verification, some providers will always attempt a first call in English, while others may always try to use the local language.

Depending on your needs, either one could be appropriate. A vendor doing calls in English might be sufficient if all you are trying to do is confirm that the person did graduate, or that they worked at the company. However, if you are concerned with verifying critical skills or experience, ensuring that nothing is ‘lost in translation’ can be very important. In this case, a vendor conducting calls in the local language might be very important.

WHICH COUNTRY’S LAWS APPLY?

In theory, the laws and regulations of multiple countries could apply to a specific search. For example, if a US resident, who went to university in the UK, is applying for a job in Singapore, the laws of all 3 countries could apply. In actual practice, compliance reviews and decisions are often made based on certain assumptions that all of the information is being sourced and used in the specific country.

In the example before, if the customer wanted to conduct a criminal check, a legal review might only review the specific laws in Singapore in providing recommendations. However, taking into account the additional complexity of the multiple country regulations involved may result in differing conclusions about what services are offered and how.



WHAT ARE THE DIFFERENT SEARCH TYPES?

CRIMINAL

Criminal record checks are one of the most frequently requested searches. They are also one of the searches with the most variation in how they are done and what is actually searched and returned. The reasons for this are varied, but essentially come down to differences in interpretation of what is ‘correct’ and what sources a vendor can access.

When we say ‘correct’, we mean a vendor’s interpretation of what information can be legally obtained, how it can be obtained and when it can be used for employment screening. Even within the US, where background screening is a well-established industry with a lot of case law, there are still grey areas of compliance.

Outside the US, especially in countries where background screening is done less frequently, there may not be clear regulations or case law defining exactly what can be done and how it should be done.

As a result, vendors are left to interpret the regulations and make their own decision. Because the decision is not always black and white, it is important that you understand the process which a vendor uses in making their decision, and that this process aligns with how your organization would make such decisions.

Beyond this, there are frequently variations in the actual search offered. Here are descriptions of the most common ‘criminal offerings’, and the pluses and minuses of each.



NATIONAL

A national criminal check, as the name implies, is a check at the national level, which generally covers all records within that country. The source conducting the search will determine what to report to the vendor – in some cases this may contain more than just conviction data. It is important to distinguish between a federal level criminal check and a national level criminal check. A federal level check is similar to a check of PACER in the US. It searches for federal crimes, but is definitely not a check of all reportable criminal records within that country. Brazil also offers a similar type of search, where records can be searched at the federal level, or at the state level. Some vendors may also offer a hybrid search of both levels.

Advantages

The great advantage of a national criminal check is the ability to confirm with a single search if a candidate does or does not have a reportable criminal record in the country being searched. This can reduce the complexity of the background screening and reduce costs and turnaround time.

Disadvantages

As with everything, there are downsides to this as well. In some countries, the process can actually be more complex, sometimes requiring fingerprints to confirm any records before they are reported. Canada and South Africa both require the fingerprint process before returning any records.

LOCAL

Local level criminal checks are similar to county or state level checks in the US. They are based on some sort of address history (residential, work, etc.) and are only a check of the specific jurisdiction. In some cases this may be only a court jurisdiction, such as in India, and in others, such as Mexico, it might be a search of an entire state.

Advantages

Local checks can sometimes be done faster and with less paperwork than national level checks. They do not typically require fingerprints to return detailed results. For example, in Canada both local and national level searches are available. The national level check, usually referred to as a CPIC search, requires fingerprints before reporting a criminal record. The local search, done at the province level, will return results with basic biographic identifiers only. This can make the process much simpler and faster.

Disadvantages

To conduct a comprehensive screening, multiple local searches may be required. This can raise costs. In some countries, the permissibility and process for conducting local level checks can also vary across jurisdictions, which can make the process more complex.

Typically a country will have either the national or the local level check available, although this is not always the case. Canada is the most common exception but there are others.

A CLOSER LOOK AT CRIMINAL DATABASES

DATABASE

In some countries, vendors may offer a 3rd party database check instead of searching the criminal records source directly. In the US this is commonly done through a national criminal records file. Outside the US however, it is relatively uncommon for it to be legal to aggregate criminal records into a 3rd party database. There are some countries though where this has been done legally, and can be the only or best option for the search. As with anything involving global screening, what is most important is that you understand exactly what you are purchasing, so that you can determine whether it is appropriate/adds value to your process.

Advantages

A database search can be faster than a regular criminal records check. It may also be the only option in some countries.

Disadvantages

Databases may not be completely comprehensive, or up to date.

ADVERSE MEDIA

This is a search of a database and online sources for adverse mentions of the data subject. It is not a true criminal records check, as most media mentions do not have full details available as one would find in a court record. However, in certain countries where criminal record checks are not permissible, vendors may offer these in lieu of a criminal record check. What is important is that this is transparent to the customer. An adverse media search should not be portrayed as a criminal record database search.

Advantages

A database search can be faster than a regular criminal records check. It may also be the only option in some countries.

Disadvantages

Records will often not have the necessary details to make them reportable. There is also not often a way to ensure that the record is current. This could result in reporting something that is out of date or incorrect.

SANCTIONS

A Sanctions search is sometimes also sold as a criminal records checks, as Sanctions lists can contain people who have been criminally charged. It is often used in lieu of a regular criminal records check in countries where a criminal record check is not permissible, or the vendor does not have the capability to conduct a check. It is important to note that some countries view a sanctions search to be similar to a criminal record check and thus require processing under the same rules as criminal record checks are processed (and limited). A Sanctions search is a perfectly legitimate background search. Some hiring requirements or business needs require a Sanctions check on specific positions. Sanctions checks are critical in financial services industry screening for key positions. However it is not a criminal record search. More on the specifics of Sanctions and Watch Lists are covered below.

Advantages

A Sanctions search can be faster than a regular criminal records check. It may also be the only option in some countries.

Disadvantages

Records will often not have the necessary details to make them reportable. There is also not often a way to ensure that the record is current. This could result in reporting something that is out of date or incorrect. These databases are usually focused on terrorism and human trafficking type offenses. They will not contain more 'regular' offenses, such as theft, fraud or non-terrorist violence.



VERIFICATIONS, NON-CRIMINAL RECORDS, AND SANCTIONS & WATCH LIST SEARCH TYPES

VERIFICATIONS (EMPLOYMENT, EDUCATION, CREDENTIALS)

There are a couple of areas in which verifications can differ from vendor to vendor. The first is in the diligence done to contact the correct source. The first step in this process is finding the school/company, hereafter referred to as the source. Some vendors may simply use the contact information provided by the candidate. However, this leaves open the possibility that the candidate has provided contact information for someone posing as the source, such as a friend or relative. To avoid this, some vendors will only use candidate provided information as a last resort. Instead, they will conduct their own diligence in an attempt to locate the source. They will also develop their own contact at the source.

The other area that can impact what the customer receives is the language used for the verification. Some vendors may always use English as the language of their first attempt, and only revert to a local language speaker if necessary. Other vendors may instead always use local languages when possible, and only revert to English when necessary. English as the first contact language may be less expensive and sometimes faster – for some clients this may suffice. At the same time, using English may result in the source not completely understanding the request, or having certain information “lost in translation”. If the customer is hiring for specialized jobs or skillsets, having something lost in translation could be critical.

RECORDS (CREDIT, CIVIL LITIGATION, BANKRUPTCY)

Credit reports, as they are available in the US, are not as common outside the US. While there are a

number of countries that do have true credit files, and are serviced by Equifax, Experian, TransUnion, et al, the full report is often not available for background screening, if at all. In many other countries, there is no national credit service. As a result, vendors will often substitute a civil litigation and/or bankruptcy search. These are not the same as a credit report though, because an individual could have credit issues, but not have any associated civil litigation records or bankruptcy filings. Because of this, it is important to understand exactly what you are getting in each country so that you can assess the value of your screening program, and properly interpret the results.

SANCTIONS & WATCH LISTS

These searches are generally done from an aggregated database of lists. Vendors will often say how many lists are in their database, often ranging in the hundreds. This number can be misleading though, as lists are often duplicative. For example, the export.gov website provides a consolidated screening list, which combines over a dozen separate lists. A vendor could count this as 16 lists (15 individual lists plus the master), or as 1 list for the master only. Either way, their database would be just as comprehensive.

Vendors will have different search logic for accessing their data. Sometimes they may search using an exact name match only. Other vendors may use partial matches or fuzzy logic. This could have a material impact, especially when searching using foreign names that can vary a lot in format, such as Arabic names.

As with all the other services, what is important is to make an informed decision, as a customer to ensure that the screening you are purchasing is appropriate for your needs.



FINAL NOTE...

Assessing the thousands of searches available globally can seem a challenging proposition. It can help to remember the 80/20 rule – most of your orders will likely come from a small set of countries. Focus most of your diligence efforts on the 20% of searches comprising the 80% of your volume. Make sure you know what you are getting and how it is being done.

Then spend the rest of your diligence on your global screening vendor(s) so that you can trust their guidance on the other 80% of the searches that only comprise 20% of your volume.

