

Ethics in Human Resource: A Study on Hiring Ethics and Employee Selection

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Abstract

The act of hiring an individual can have major ethical and legal implications for an organization. To better identify the concepts that influence hiring and employment selection ethics, a review of the recent literature found several areas of importance for both academics and hiring managers and other employees. Earlier researchers claim that hiring is influenced by the concepts of moral obligation, diversity, antidiscrimination, integrity, and employment fairness whenever they hire new personnel. Awareness and action in these areas will lead to motivating factors that can change attitudes while allowing ethical hiring practices to shape organizational culture. This Article presents a dichotomy of understanding that when organizations use a defined ethical hiring standard, employers are more likely to recruit and hire ethical candidates. This understanding creates the assumption that managers are obligated with the responsibility of being ethical gatekeepers for their respective organizations.

Key Words: Ethics, Hiring, Anti-discrimination, Integrity, Gatekeepers, Human Resource.

Introduction

The selection and hiring of employees is a never-ending cycle for managers in the industries. Hiring includes looking for an applicant or aspirant with experience, educational qualifications, or just an impressive personality. Hiring managers should also be aware of the ethical implications involved in hiring the right person, as ethics is a primary responsibility of management (Paine, 1994). Hiring managers face the challenging task of finding individuals who can fulfill and fit the organization's requirements with proper credentials while adhering to both regulatory and internal employment operations. Beyond the legal framework involved in employment practice, a manager should be aware of the ethical responsibilities associated with hiring practices. If an organization is only as effective as its employees, then it is the hiring manager who must understand that recruiting an ethical employee is of the utmost importance for the organization (York, 2014). The actions of a few compromised individuals who deliberately act in an unethical way or path can spoil the entire organization's reputation (Ashkanasy, Windsor, & Treviño, 2006). To prevent, or at least lessen unethical behavior, the role of all hiring managers should include the responsibility of being an ethical gatekeeper for their respective organizations. Companies that choose to operate according to an internal ethical standard should follow ethical hiring procedures and guiding principles (Alder & Gilbert, 2006) to assist managers in promoting ethical employees.

Literature Review:

The Literature review has been done on the areas like Morality, Diversity, Antidiscrimination, Integrity and fairness. Extant research demonstrates that an organization's employees are its primary source for creating a competitive advantage (Ruona & Gibson, 2004). If this is true, then a manager must ensure that new employees are the ethical human capital and competitive advantage that can help build an organization rather than create its demise. Ethical behavior in an organization does not just happen through spontaneity but through specific actions and managerial declarations. The important role of managers in hiring ethically and selecting ethical candidates cannot be understated.

The existing literature on ethical hiring focuses on some central themes—morality, diversity, antidiscrimination, integrity, and fairness—which are essential in selecting ethical human capital and maintaining organizational success. Previous research establishes that employees are the most critical contributors to competitive advantage in an organization (Ruona & Gibson, 2004). Hence, hiring ethically is not only a procedural task but also a strategic necessity.

Moral behavior in recruitment necessitates thoughtful managerial action and ethical responsibility. Alder and Gilbert (2006) posit that ethical recruitment entails transcending legal requirements to adopt moral accountability. Lantos (1999) concurs with this argument, underlining the moral responsibility of corporations to reconcile profit interests with ethical conduct. Ashkanasy et al. (2006) add further that cognitive moral development largely influences ethical decision-making in organizations.

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Boekhorst (2015) highlights that genuine leadership encourages workplace inclusion, which increases team performance and innovation. Acknowledging diversity in recruitment is not only morally right but also strategically advantageous. This is in line with overall HR strategies that encourage inclusivity through ethical practices.

Antidiscrimination is an enduring issue in ethical recruitment. Ladd, Pasquerella, and Smith (1994) caution against making hiring decisions based on liability alone, which creates the tendency to exclude those at greatest risk. Taylor (2009) also presents a Rawlsian approach that supports affirmative action as a means to counter structural disparities in hiring.

Paine (1994) advocates that managing for organizational integrity involves aligning organizational and individual values through leadership by example and ethical systems. Demuijnck (2009) supports this

Equity in hiring guarantees that hiring processes are unbiased and promote justice. Gardner et al. (2010) explain the ethical challenges of lateral hiring and the need for transparency and fairness. Martin and Cullen (2006) show through meta-analysis that ethical climates have a significant impact on fairness perceptions and employee behavior.

The literature on this subject matter provides a glimpse into the many elements that are involved in the ethics of hiring new employees. Several ideas regarding this area of business management have helped to define the ethical practices needed for ethical employee selection. Some of the most common themes include ideas such as moral obligation, diversity, anti-discrimination practices, integrity-based approaches, fairness/justice, and the need for honest communication.

Objectives of the Study

1. To assess the importance of ethics in the Hiring and Selection of employees in an organization.
2. To identify some of the common ethical dilemmas that HR professionals face during the recruiting process.

Obligation towards Morality

(Salvador Villegas, 2019) The decision to hire the right person for any unoccupied position is an action that should not be taken lightly. Managers must set the ethical climate of a company that can result in strengthening relationships, forging reputations, and creating the ultimate success of the firm, all of which are dependent on managerial acknowledgment of their ethical responsibility (Paine, 1994). Additionally, past researchers have argued that not only do hiring managers have the positional power to choose one candidate and reject other applicants, but more so, managers have a moral obligation to exercise their decision responsibly (Alder & Gilbert, 2006). A manager who disregards their obligation to be ethical in their hiring decisions and fails to choose the best candidates is increasing the chance of allowing bad apples to infiltrate their organization. As postulated by Ashkanasy et al. (2006), bad apples are morally flawed individuals who are predisposed to behave in an unethical manner and, when given the opportunity, will do so. Every organization is susceptible to the shortcomings of employees who act in unethical or immoral ways. To be sure, ethical hiring practices and managerial safeguards may not completely prevent poor employees from gaining employment. However, a manager who acts according to a moral obligation has the potential to mitigate the threat of hiring someone that could negatively affect the organization and its stakeholders. In response to the ethical discourse on employment practices, Lantos (1999) argues, "moral behavior builds trust, which attracts customers, employees, suppliers, and distributors, not to mention earning the public's goodwill. Conversely, immoral behavior chases these various groups away" (p. 225). Even if short-term gains created through immoral business activity are sacrificed due to ethical principles, the long-term result of operating purely could be highly beneficial for the organization. As other researchers have also proposed, hiring managers are responsible for ensuring that ethics are a significant priority when selecting new employees. A three-step process is suggested as a guide to assist managers in fulfilling their duty for ethical employment and hiring. First, in any hiring decision, ethical character should be identified through behavioral interview questions to better identify a candidate's character traits, such as openness, self-discipline, and personal virtues.

Second, existing business leaders and managers must demonstrate ethical activity in their mannerisms and deeds. Third, managers need to cultivate their sensitivity to be able to identify and become aware of ethical situations. (Lantos, 1999). As also defined in Rest's model of moral behavior (Johnson, 2015), there is a gap between knowing what to do and taking the actions necessary for implementation. According to Lantos (1999), if managers intentionally focus on creating ethical motivation paired with action, both for themselves and while carefully hiring employees, perhaps future press on business ethics will appear less criminal than it does today.

Assortment/Diversity

The business case for organizational diversity has clearly been defined in past research. Benefits of a diverse workplace include greater innovation, higher retention, better decision making, higher quality employees, an improved public image,

etc.. (Johnson, 2015). Diversity in employees can mean differences based on race, nationality, sex, religion, disability, and even genetic makeup (Roberts, 2016). Additionally, differences in education, experience, and values could potentially fall under the umbrella of diversity. Notwithstanding the business case for diversity, diversity also makes sense to employers for philosophical and ethical reasons. For example, hiring people of different backgrounds creates more good than it does harm (utilitarianism), respecting differences acknowledges the dignity of each person (deontology), promoting social justice, and reflects love of our neighbors in maximizing their unique potential (altruism) (Johnson, 2015). In terms of hiring diversity, the ethical nature of the process should not be evaluated on overall patterns but rather on the effect that the process has on the individual being selected for the position (Alder & Gilbert, 2006). Regardless of the strong moral and business reasons for seeking diversity in hiring practices, the strategy to achieve diversity must be intentional. Research shows that paying attention to the social makeup of the workforce can impact the overall motivation of the workforce (Lloyd & Mertens, 2018). Even with the legal precedent that protected class status should not be a contributing factor to hiring decisions, for diversity in hiring to occur, some type of affirmative action policy must be implemented (Alder & Gilbert, 2006). As defined by past research, affirmative action is “a class of public policies focused on achieving equality of opportunity, especially in the realms of tertiary education and employment, for certain historically oppressed groups” (Taylor, 2009, p. 478). As a framework for managing diversity in hiring practice, Alder & Gilbert (2006), propose a four-part action plan to increase the diversity of an organization that consists of. He proposes that diversity begins by eradicating a hiring manager's personal bias towards job applicants by requiring diversity training. Second, he suggests removing barriers that may be limiting under-represented groups of job seekers from applying for open positions. Barriers include using only online applications that require internet access or placing help wanted ads in newspapers that are not widely read. Next, he proposes that necessary steps need to be taken to increase a diverse mix of applicants by broadening recruitment efforts, such as engaging applicants from several different schools or areas of town. Finally, he concludes that diversity should emphasize favoring protected classes in the job selection process. For diversity to take hold and change the demographic makeup of an organization, the idea of embracing difference is important for hiring managers to understand. In an environment composed of culturally diverse groups, as compared to culturally homogenous groups, a climate of inclusion can help to create a sense of comfort that encourages all employees to apply their differences to specific work processes, necessary tasks, and organizational strategies (Boekhorst, 2015). Creating a diverse climate should be a distinct hiring priority based on the ethical, business, and societal benefits that can be directly achieved from the contributions of people with dissimilar backgrounds. To achieve diversity requires a need to reduce both overt and unconscious discrimination in hiring.

Anti-discrimination

Refusing to hire someone based on protected class status is a blatant violation of U.S. labor laws. This includes practices that create an explicit discrimination termed by the EEOC as disparate treatment, and the practices that result in a defacto discrimination despite intentions, termed by the EEOC as disparate impact. Even with laws and regulations, the news is continually reporting on employers who were blatant in their refusal to hire someone due to some form of discrimination. Some researchers will argue that discrimination is human (Cuilla, Martin, & Solomon, 2014), and even with legal frameworks in place, the likelihood of eradicating manager bias is difficult, if not impossible. Other research has suggested that discrimination is not only immoral, but that hiring managers and the organizations that they represent have a moral obligation to enforce the principle of non-discrimination in employment (Demuijnck, 2009). To fulfill the moral obligation, Demuijnck (2009) postulates that firms must implement effective diversity training by setting long-term diversity objectives and by assigning specific managerial responsibilities to support this initiative. Successful hiring procedures require an organization to be genuinely motivated to help their managers avoid discriminatory behaviors. Some managers may be intrinsically motivated to avoid discriminatory behaviors, whereas others will rely on the corporate culture for guidance and structure (Lantos, 1999). Obvious and intentional discrimination based on protected factors is much easier to identify when it happens. When discrimination occurs through subconscious stereotyping or personal bias, unforeseen problems can arise in the hiring process. In her legal analysis of employment discrimination in relation to the harm principle, Roberts (2016), builds the case of detrimental stereotyping and the negative effects that it can cause through employee selection and employment. In her article, the researcher discusses the idea of actions that can cause certain stereotype threats. In some situations, even mentioning that someone falls into a diverse or protected class can be a harmful trigger that may create disillusionment with the organization, depressed ability, a feeling of tokenization, or even a sense of exclusion (Roberts, 2016). Among other things, Roberts (2016) argues that some stereotype triggers could also leave an organization susceptible to employment discrimination where others may not. As proposed by the author, the best way to avoid unethical stereotyping in hiring is to create stringent internal policies and procedures through self-evaluation for the purpose of minimizing the occurrence of stereotypic harms (Roberts, 2016). Federal regulation has defined which classes are protected, however to maintain a climate of ethical hiring practices, there are other forms of discrimination that organizations should be made aware of. The literature has ample examples of ways that organizations can reduce

discrimination of unprotected factors in their hiring practices, but for the sake of brevity, only a few additional examples are presented. Some researchers have found that employers are beginning to take into consideration economic factors such as likelihood of an applicant to use medical benefits, a desire to restrict the personal liberties of employees outside of work, and requiring pre-employment health screenings which can be viewed as an invasion of privacy (Ladd, Pasquerella, & Smith, 1994). These same authors argue that “using non-jobrelated criteria for hiring is discriminatory and that hiring decisions should be based exclusively on the prospective employee's ability to do the job” (Ladd et al., 1994, p. 326). Some employers may try to justify this type of discrimination as a method of reducing corporate liability during hiring; however, the results of their actions can be labeled as discriminatory and unethical. Corporate leaders and hiring managers who allow such actions to take place are a perfect example of moral disengagement by using moral justification to convince them that their harmful behavior is beneficial (Johnson, 2015). Some researchers are calling for corporations to begin reducing discrimination based on appearance bias (Harvard Law Review as cited by Cuilla, Martin, & Solomon, 2014). This research originally published in the Harvard Law Review cites several examples of how employers need to create policies that disregard personal attractiveness and unilaterally forbid pre-employment inquiries in regards to appearance (with the exception of grooming). Much of this research comes from recent studies where overweight individuals have reported being discriminated against due to their appearance rather than their ability to do the job for which they are applying. Echoing the strategy set forth by previous research, the anonymous author(s) suggest that employers need to reflect on their own practices and place emphasis on legitimate work related applicant criteria rather than consider appearance. The only way to stop this form of bias is to change the attitude of hiring managers and people in general. When managers adhere to ethical hiring practices, based in either personal values or corporate policies, they are acting with integrity. Bias and discrimination may not always be negative, and in some cases actually benefit an applicant for a position. In his book *Everyday Bias*, researcher Howard Ross (2014) explains that sometimes interviewers may instantly favor an applicant over others due to some stereotype or associated feeling. According to Ross (2014), our unconscious biases are formed either individually or collectively, and they affect every decision we make including who we interview, how we interview, hire, assign jobs, promote, or take a risk in hiring.

Integrity

When managers practice their duty of upholding the ethical identity and climate of an organization in hiring, they are exercising both moral character and integrity. Compliance with the law is not to be confused with integrity, but rather integrity is an essential element that influences every type of business decision (Johnson, 2015), including hiring. Adherence to governmental compliance acts as a guide to avoid legal repercussions, whereas taking an integrity-based approach to management goes much deeper affecting operations and behavior. In an environment that chooses to operate in an ethical manner, management will personify moral values, create an ethically supportive climate, and instill the idea of shared accountability among all employees (Paine, 1994). An organization that adheres to integrity focused guiding principles will be more likely to identify the ethical and job related skill set of potential applicants when determining suitability for possible employment (Paine, 1994). When hiring, employers can recruit, but should do so in a manner that is void of deception and moral transgressions (Gardner, Stansbury, & Hart, 2010), as these types of actions would not be permissible in an integrity based approach. During the hiring process, honest communication about the ethical expectations for the position should be communicated to all potential applicants (Evans, 2009; York, 2014). This forthcoming and public stance on ethical standards demonstrates the commitment and value placed on ethical activity within the organization. Individuals who are hired through an ethical process will most likely be appreciative of the honesty and integrity that was demonstrated prior to employment (Evans, 2009). If an organization deliberately focuses their activity to sustain a climate of integrity, this will also be reflected in both how they hire, and even more so, who they hire. Clear ethical expectations are an organizational necessity for both onboarding ethical and beneficial talent, while passing on potential bad apples. In situations like employee selection, managers and leaders should show coherence between their integrity and action (McFall as cited by Cuilla, Martin, & Solomon, 2014). Setting a corporate ethical standard allows both employees and potential employees to see integrity as a guiding corporate principle.

Fairness

The critical concepts of fairness/justice have permeated nearly every discussion on hiring ethics within this literature review. Rawls (1971), laid out an argument for fairness as he explains how often times individuals are quick to develop rules for societal action while being ignorant to their own self interests. These interests affect fair distribution of both benefits and burdens for everyone, including fairness in hiring criteria (Ladd et al., 1994). Through the scope of ethical employment protocol, the goal of fairness in hiring is not just have formal access to a position, but rather to actually be considered for an open position without the blindness caused by managerial self-interest (Rawls as cited by Demuijnck, 2009). Bias undermines fairness when a manager acts in accordance with their own self-interests by intentionally

withholding employment opportunities from individuals who are qualified for the position, however disregarded due to the manager's personal prejudices (Alder & Gilbert, 2006). Organizations who choose to uphold the values of fairness and justice have earned the right to be called ethical, whereas organizational values that prioritize profits or allow for the bending of rules tend to be considered unethical (Alder & Gilbert, 2006). In terms of acquiring new employees, fairness in the hiring process and selection of candidates is synonymous with ethical behavior.

Ethical dilemmas that HR professionals face during the recruiting process

While there are anti-discrimination laws in place that protect individuals from illegal treatment during the hiring process, the ethics of recruiting go beyond regulation and can impact the reputation of both a company and an individual recruiter. Here are some of the more common ethical dilemmas that can arise in recruiting:

Posting a job ad for a position that does not exist. There are a few reasons this may be done: to see what talent might be available in a potential new location; to attract passive candidates to build up a talent pipeline; to use up remaining postings in an expiring contract with an online jobs board, if only to collect resumes; to see if current employees will respond to a blind ad, indicating they are ready to jump ship; or to foster the idea that the company is growing and stable, rather than the opposite. If, for any of these reasons, a job ad is posted when no open position actually exists, applicants, employees, clients and customers may be led to distrust the company or recruiter due to unethical practices. Reputations can be ruined quickly with a simple social media post; allowing only actual openings to be advertised will alleviate this risk.

Misrepresenting the duties or requirements of an open position. This generally occurs when a position is difficult to fill, or a recruiting quota needs to be met and desperation sets in. Promising more autonomy or authority than a position has can lead to an unhappy hire and even more cost to the employer when the new hire quickly leaves. The same holds true for hiring someone who is overqualified, or hiring someone who is under qualified and becomes overwhelmed and unproductive. To maintain ethical practices and integrity as a recruiter and for your company, be completely transparent with applicants about what the job they are applying for entails.

Unethical employee referral practices. While a popular and successful tool to hire quality candidates, employee referral programs can create ethical issues of which HR should be aware. These issues can arise when senior-level employees make a referral and expect a hire, regardless of merit; a referred candidate is hired, and there is a sense that the referring employee is indebted to the hiring manager for "doing him or her a favor"; and special interests, such as a client referral, carry weight over merit. To ensure ethical standards, ongoing monitoring, including confidential employee feedback, of any referral system is required. Also consider making all referrals temporarily anonymous or limiting the levels of employees who can make referrals through the program. Focus on a candidate's merit, and highlight the reasons for the referral (e.g., experience, dependability, etc.) instead of focusing on the referrer. And be wary of any special favors being asked of HR that would circumvent normal hiring procedures.

Unethical use of social media. There are certainly legal risks in discovering and using protected-status information (e.g., age, ethnicity, or religion) against an applicant; there are also ethical concerns. At its most flagrant, unethical behaviors include recruiters' creating fake social media accounts to gain access to applicant profiles to mine private information about them and access their friends. Even when candidates are notified that you will be looking at their accounts and thus require them to provide social media passwords (not legal in some states), you've crossed a line into their private lives and accessed information that is not job-related and therefore should not be used against them. But what is seen cannot be unseen, so ethically—and legally—there are limits to using such information. Additionally, any information discovered on social media that cannot be independently verified lacks credibility and would be risky to use in a hiring decision. For example, a victim of identity theft may have no idea that a fake social media account in his or her name exists, nor that employers may be using it unfairly to assess his or her candidacy. To maintain ethical standards, consider limiting social media as a screening tool to positions requiring a social media presence or skills. At a minimum, conduct a risk-benefit analysis with your attorney to determine if such screening is advisable. If it is, create standardized assessments and use multiple raters. In all cases, verify the accuracy of any information found that could potentially be used against an applicant.

Conclusion

Several areas requiring further research have been discovered. Within the constructs of this review, and to grow the body of knowledge on this subject matter, it could be of significant importance to investigate properly and create a framework to define the role and value of ethical gatekeepers. Much of the literature selected for the study focuses on the importance of ethical acknowledgment and integrity to managers; however, based on the need to advance research in this field, deeper exploration into defining ethical gatekeepers seems prudent. Even though managers use tools for testing the ethical aptitude of job candidates that create a prediction for future ethical behavior, it appears that further testing of these

programs is still needed. Though human action and reaction can change from situation to situation, further exploration of this scale and other ethical testing tools could determine effectiveness and assist hiring managers in their search of ethical employees, should that become a corporate priority. Though only briefly mentioned, it would be of academic importance to explore how hiring practices directly impact the philosophical and sociological elements of Ethical Climate Theory - ECT (Martin & Cullen, 2006). Even as ethical business operations may be a good business practice, this does not mean that it will be profitable; in fact, ethical practices may not be profitable at all (Kline, 2012). As a matter of financial precedent, it would be important to research how ethical hiring affects organizational profitability, if at all. Along the same mindset, calculating the ethical awareness, growth, and operations in a firm before and after implementing an ethical hiring framework could be beneficial to organizational leaders. The common ethical dilemmas that HR professionals face during the recruiting process and how they can have their impact on the recruitment. The literature on the subject matter at the focus of this review is rich in information, but it has also opened the door to many areas that require further investigation. Proper and thorough research into these matters will grow the theoretical and practical understanding of how ethical hiring practices influence the many stakeholders of an organization, including leaders, customers, and society at large (Alder & Gilbert, 2006; Martin & Cullen, 2006).

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