

Employment law 1

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Employment law Introduction Bobby Randall was hired at Wal-Mart in 1997 without any criminal proceedings but had previously being convicted three times on misdemeanor charges for independent exposure. At the time of hiring, Wal-Mart did not have any employment policy requiring Wal-Mart to check the prior criminal convictions of Bobby. In September, 2000, Bobby was accused of folding 10-year old girl while working at Wal-Mart stores. The girl's mother has sued Wal-Mart for negligent hiring claiming that Wal-Mart store should have known Bobby status as a sex offender through a background check.

In the above case, Wal-Mart is not liable for any offense since US constitution protects employees with criminal background from any form of discriminatory practices in employment matters. Title VII of the Civil Rights Act 1964 prohibits all forms of employment discrimination on the basis of national origin, religion, color, or race (Repa 15). In the above case, Wal-Mart had no hiring policy requiring the criminal background of the potential employees. In the case, Bobby has only previous being convicted of a misdemeanor and not rape. However, Wal-Mart can implement a policy to request the criminal background of employees, but it must put into consideration the nature of job, the gravity of past convicted offense and time lapse since the offense before making the hiring decision (Repa 67). Wal-Mart is not liable for not requesting the criminal background of Bobby since no employment law requires the company to do so. Equal employment opportunity guidelines require all employees to avoid or minimize requesting the criminal background of employees since this may lead to discrimination in employment practices (Walsh 163).

Under Equal Employment Opportunity Commission (EEOC) guidelines, Wal-Mart is not supposed to deny Bobby the employment opportunity even if the company has a policy on employee criminal background screening except when the crime is job-related (Walsh 162). Wal-Mart is not liable for any offense in hiring Bobby considering no hiring policy that requires the background checks of employees and the nature of past convictions and the current allegations of rape.

Works cited:

Repa, Barbara. Your rights in workplace. Berkeley. Nolo. 2010.

Walsh, David. Employment law for human resource practice. Mason. Cengage Learning. 2012.