

## **Manager at Work” Series - Ethical behavior required from recruiter, recruitee** **By Kathleen Driscoll**

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“I’ve been approached by a recruiter for a position at another firm. I’m interested, not so much to go to work for them immediately but because I’d like to test the waters to see what my experience and skill set is worth on the open market. But I’m concerned because I know that this same recruiter has worked for my current company many times in the past and I’m afraid word will get back to them that I’m looking for work, which could threaten my current position. Is the recruiter under any legal or ethical obligation to protect my confidentiality or am I on my own on this? If these legal or ethical standards exist, do recruiters live up to them? Any advice on handling this?”

You’re raising some really interesting questions here. The first really has to do with your candidacy for any position. If you’re not serious about another position, you probably shouldn’t pursue any more discussions about this opportunity.

“Don’t waste the recruiter’s time or the potential employer’s time,” says Gary Baker, managing partner of Cochran, Cochran & Yale LLC in Rochester.

The recruiter you’re talking to probably knows that you’re not serious anyway, he says. “An experienced recruiter will sense that you’re just testing the waters.”

Recruiters are constantly assessing the interest level of the candidates they contact, he says, and if there are too many hesitations, they usually stop the process. Companies hate it when they get ready to extend an offer only to find a candidate turning it down because he or she is not ready to make the move or wants more money than was originally discussed.

“We have to be very cautious, especially when there is an abundance of opportunities and a short list of viable candidates,” Baker says.

Apart from your candidacy, the other issues you raise in your question are very serious.

“This is exactly the type of behavior that can give recruiters a ‘band name,’” says Elaine McKenna, partner with Weterrings & Agnew, a division of Providium Human Resource Group LLC.

A recruiter who tries to recruit out of a company that he or she placed candidates in is engaging in unethical behavior.

“It’s very unethical on the part of recruiters to place them in the front door and pull them out the back door,” Baker says. And McKenna adds, “Not only is it unethical, it is stupid, as you are literally biting the hand that feeds you.”

To define the terms, “recruiting out of a client company” is when a recruiter places an unsolicited call to an employee of a company that he or she is currently doing or has done a lot of recruiting work for, she says.

If a candidate from a client company approaches a recruiter looking for a new opportunity, that is different, McKenna says. “In that situation, the unsolicited candidate can be considered “fair game” and the recruiter can represent that candidate to another company.

However, this is a sensitive issue.

“The client company may well misunderstand your intentions if they learn such activity,” she says. “In that case, the recruiter needs to educate the client company (if that hasn’t already

happened) in establishing the relationship.”

In many cases, though, such activity is prohibited. A recruiter might work under an agreement with a client company that prohibits work with unsolicited candidates from that company.

“Many times when we’ve had individuals approach us, we’ve had to say that we have an obligation to our client company and we can’t represent you,” Baker says.

So you are correct to be suspicious and concerned about the recruiter who is contacting you about his position. If after a preliminary conversation, you feel that this recruiter would not protect your confidentiality, you should not continue the relationship. Do not work with a recruiter that you don’t trust, McKenna says.

“Candidate confidentiality is always paramount and a candidate should never feel that he or she is ‘on their own,’” she says.

Think about it this way, she says.

“If a recruiter who does a lot of work with your company is actively pursuing you for another opportunity – beware! I don’t think you can trust them to protect your confidentiality, as they are already proving themselves untrustworthy by recruiting your client’s employees!”

If you do decide to talk to this recruiter, it’s perfectly OK to “put them on the spot,” Baker says, and ask them about the confidentiality issue.

“If I was to talk with you, how are you going to protect me and make sure that it doesn’t get back to my employer?”

In the end, recruiting is an unregulated industry so it is up to recruiters to police themselves. The recruiters’ blogs on the Internet are full of questions and concerns about ethical problems just like the ones you raised.

“Ethics must be self-enforced,” writes Christine Hirsch on [www.recruitersworld.com](http://www.recruitersworld.com). “Ethical behavior begins with the definition of roles and responsibilities when interacting with candidates, clients and other recruiters.”

She suggests that recruiters foster ethical relationships by creating mission statements or ethical codes that emphasize “key values and guiding ethical practices.”

She also notes that candidates must also grapple with ethical issues that often have to do with being honest throughout the hiring process.

“Misinforming a recruiter to obtain an interview or cinch the job can place recruiters in compromising positions with clients,” she says. “Both parties have a responsibility to maintain ethical standards.”