

Does Ohio law prevent employers from giving honest job references?

Q. When I check a prospective employee's job references, more and more I find that prior employers are unwilling to give any information other than confirming dates of prior employment. It makes it really difficult to accurately screen job applicants. Isn't there a law that protects an employer that provides a job reference?

A. Ohio has a specific law—Revised Code section 4113.71—that protects employers that give job references. One employer can give another employer information about an employee's job performance without fear of liability, unless:

- The former employer knows the information is false, or makes the disclosure with the intent to mislead, in bad faith or with a malicious purpose, or
- The information is provided in violation of the employment discrimination laws (for example, an employer gives good references only to white employees).

Businesses should not fear accurately responding to inquiries from other businesses about past employees. The next time you are asked for a reference on a former employee, consider responding accurately and honestly. Who knows? You might get the same courtesy in return.