

Employment Law Fact Sheet No. 11

REFERENCES



The obligation to provide a reference

There is no obligation to provide a reference when requested. However if doing so then an employer is under a duty of care to provide a true, accurate and fair reference – “a fair overall impression which is not misleading”.

It is good practice to seek references for all new staff. This helps to flush out previous misconduct or disciplinary action. Offer letters should be conditional and ‘subject to references satisfactory to us’.

Writing a reference

If the reference request contains specific questions it is important to answer these. If not, refer to matters such as:

Dates of employment

Positions held

Reliability

Honesty

Competence

Time keeping

The consequences of providing false information/acting with malice

If an employer knowingly provides misleading, inaccurate or false information, claims for any resulting loss may be made on behalf of the recipient or the individual who is the subject of the reference.

Also be wary of being asked by an ex-employee to describe a dismissal as "redundancy" when this was not the case. For example an employee dismissed for misconduct may prefer it to be labelled in this way in order to claim on insurance policies such as mortgage Protection. You could be held liable for assisting with insurance fraud.

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