

GUIDELINES FOR RECRUITMENT AND SELECTION

Taken from the Charter on Human Rights

Summary of the Law – recruitment is subject to employment legislation which indicates certain actions a potential employer may not take, especially in the realm of discrimination. The main Acts which affect recruitment are:

- **Asylum and Immigration Act 1996** - makes it a criminal offence for an employer to offer employment to a person who does not have permission to work in the UK. The employer must check before confirming employment. Penalty is a fine of up to £5,000 for each offence.
- **Disability Discrimination Act 1995** - prohibits discrimination against candidates with a disability.
- **Equal Pay Act 1970(as amended): Equal Pay (Amendment) Regulations 1983** - women and men must receive equal pay for like work which is broadly similar, work rated as equal under a job evaluation scheme and work of equal value.
- **Police Act 1996** - this introduced the concept of the Criminal Records Agency, through which employers could establish the criminal record or otherwise of candidates. The Agency was expected to come into effect in 1998, but now seems unlikely to be operational before the year 2000.
- **Race Regulations Act 1976** - employers must not discriminate against candidates on grounds of their race, colour, creed or ethnic origin. From 1997, this Act also applies to Northern Ireland.
- **Rehabilitation of Offenders Act 1974** - where a person has been convicted of an offence and served a sentence of no more than 30 months, he/she may be deemed to have rehabilitated him/herself after an appropriate period without re-offending (as long as his/her occupation is not excluded from the Act. Where rehabilitation has taken place, he/she must be treated as if the offence had never been committed. This means the candidate is not obliged to reveal any such sentence to a prospective employer. Certain categories of employee, including accountants and those who work with persons under 18, can never be 'rehabilitated'.
- **Sex Discrimination Act 1975** - employers must not discriminate against women (or men) or married persons in the way in which they set about recruitment or make their selection arrangements and decisions.
- **Trade Union and Labour Relations (Consolidation) Act 1992** - employers must not discriminate against job applicants on grounds of trade union membership or non-membership of a trade union.

PRINCIPLES OF RECRUITMENT AND SELECTION

- Be unambiguous in all written material including advertisement, job description, person specification, terms and conditions, application form, assessments forms
- Have clear, written policies setting out procedures
- Train managers in recruitment and selection procedures making them aware of the areas for potential discrimination

JOB DESCRIPTION

This document should provide a fair and objective description of the main requirements of the job.

- Ensure this is clear, certain and relevant.
Describe accurately the requirements and duties of the job
Distinguish between requirements that are necessary and those which are merely convenient
- Ensure no bias towards particular sex, race, age etc unless utterly justifiable e.g. a genuine occupational qualification
- Ensure no unnecessary conditions or standards are set: use special care if stating mobility requirements, length or type of experience

PERSON SPECIFICATION

This document translates the task and duties of the job description into aptitudes and other essential/desirable characteristics required to carry out the job satisfactorily.

- Ensure this is a clear, accurate specification of the essential/desirable aptitudes (knowledge, skills, experience, and qualifications) and characteristics of the person required to carry out the job satisfactorily.
- Ensure you do not set standards which are higher than necessary, where physical ability is required (e.g. strength)
- Ensure you do not set unnecessarily high education standards
- Ensure you do not include considerations relating to personal circumstances e.g. marriage plans etc.
- Use a systematic plan e.g. the 'Seven Point Plan'

TERMS AND CONDITIONS

This document sets out the salary, hours, holidays and benefits etc., provided by the employer

- Ensure this is clear, accurate and relevant
- Ensure it is free from any potential bias

ADVERTISING

- This is a candidate's first impression of the organisation – it needs to be clear and certain
- Ensure it is not discriminating directly or indirectly. You can legitimately describe what a job does. You cannot legitimately draw conclusions about the gender, marital status, race or disability.
- Ensure it is consistent with actual job
- Publicise vacancies, wherever possible
- Ensure description of the employing organisation is realistic, factual and clear
- Ensure clear instructions are given as to application procedure e.g. whether to telephone or write for an application form, send in a CV.

APPLICATION FORM

This document provides a tool to enable the employer to find out more about the candidate.

- Avoid questions which may discriminate on the grounds of sex or marriage e.g. gender, marital status, nationality, family, number/age of children, husband's employment, are you planning to get married, do you suffer from menstrual disorders?
- Information necessary for personnel records can be obtained after a job offer has been made.
- Process application forms from men and women in exactly the same way
- Ensure compliance with the Data Protection Act – ensure signed consent for holding of data and give purposes for which it will be used.

SHORTLISTING

- Use the objective standards of the person specification as the basis for short listing
- Use a standard short listing form
- Don't reject applications on the basis of assumptions about the abilities of men or women in general
- Record the reasons why an applicant has not been selected.
- Applications should be treated as confidential. The circulation of papers must be restricted to those involved in the recruitment and selection process. Applications must not be passed on to other organisations without first obtaining the applicant's approval

INTERVIEWING

- Structure of the interview should be appropriate to the organisation and level of position to be filled.
- Train all interviewers on the avoidance of sex bias. Issue written guidelines
- Arrange for more than one interviewer wherever possible
- Be aware of where you will interview (is it on the top floor? Would it prevent those with a disability?)
- Relate questions to the requirements of the job.
- Candidates must be assessed solely on their qualifications, relevant knowledge, experience and personal qualities. Identical standards should apply
- Ask all candidates the same basic questions irrespective of race, gender, marital status or disability
- Assessments should be based on past performance, behaviour, selected roles etc. as far as factual evidence can be obtained
- All candidates should be assessed on the basis of the same job-related criteria regardless of marital status and domestic responsibilities
- Avoid asking women candidates:
“Any intention of getting married?”
“Any plans for a family?”
- Don't ask questions based on assumptions about race, gender, marital status or disability
Where it is necessary to assess whether personal circumstances will affect job performance (e.g. it involves unsocial hours or extensive travel) this should be discussed objectively e.g. don't ask: “What arrangements would you have to look after your son if you had to work late”
Instead ask: “You will occasionally be required to work until 7.00pm at rather short notice. Will you be able to do this?”
- Use a standard form for taking notes. Be aware under the new Data Protection Act candidates are eligible to request sight of notes taken at interview. Material will be observable by an Employment Tribunal in any case.
- The Equal Opportunities Commission recommends that notes are kept for 6 months following the interview.

TESTS

- Use tests for aptitude, or psychometric from reputable test agencies or reputable consultancy organisations which specialise in testing. Advice can be obtained from the IPD.
- Ensure any internally devised test e.g. in-tray exercise, case study, presentation is relevant to the job and free from bias

FINAL SELECTION

- Base judgements on facts rather than impressions
- Match the 'profile' of all the job requirements against the complete 'profile' of the individual
- Check the various job requirements and discuss each in turn. Concentrate on the facts revealed and the assessments made during the procedure.
- Check the final decision for potential sex and or marriage discrimination, where consensus is not possible.
- Systematic consideration of each set of facts and assessments leads to a final decision far more objective than any of the overall or general view. It helps to eliminate the conscious or unconscious prejudices.
- Remember you are looking for the best person for the job and you should be able to justify the decisions you have made on an objective basis. If you are challenged by the candidate it will be necessary for you to be able to demonstrate the fairness of your decisions, that the criteria are transparent (e.g. everyone can understand them) and justifiable (not discriminatory in any way). It is important that you keep a written record of the decision making process.

Helpful sources of information:

“Fair and Efficient Selection”

Equal Opportunities Commission. Tel: 0161 833 9244

Website: www.eoc.uk.org

“Guidelines for Equal Opportunities Employers”, As above

“Code of practice” As above

“The IPD Code of Recruitment”, IPD Tel: 0208 971 9000 Email: ipd@ipd.co.uk

“The Personnel Manager’s Factbook”, Gee Publishing Ltd. Tel: 0207 393 7666

N.B. This information is provided as a guideline only and does not indicate legal endorsement.

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