

Checklist: steps to take to help avoid discrimination, or the inference of discrimination during the recruitment process

Finding the right candidate for a vacancy can be difficult as an employer not only needs a candidate with the required experience and skills, but also needs to find a candidate who is a fit for the organisation.

The recruitment process for a new employee can give rise to a number of risks to a potential employer including discrimination.

Under the Equality Act 2010 (the Act) a person should not be discriminated against in relation to any of the nine “protected characteristics”: age, race, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, sex and sexual orientation.

This applies to any recruitment and interview process. A prospective employer should take care in drafting vacancy advertisements and ensure that any questions asked, or comments made at interview do not go against the spirit of the Act in relation to any of the nine protected characteristics.

Steps to take to help avoid discrimination, or the inference of discrimination during the recruitment process

DO:

- ✓ Be clear about the vacancy role, the job description and the knowledge and competencies required and ensure that any job vacancy advertised does not include any discriminatory language. Avoid using terms such as “mature” or “energetic”
- ✓ Ensure you are familiar with your company’s relevant policies including the recruitment policy and equal opportunities policy and you have provided your managers with training on how to conduct interviews/recruitment process. You should also be familiar with your data protection policies and procedures for document retention and destruction.

- ✓ Ask the candidate if they require any adjustments to the interview process to accommodate any difficulties they might otherwise have.
- ✓ Embrace diversity.
- ✓ Follow a prepared set of questions that is consistently used for all candidates for the job so that a proper assessment of knowledge and competencies can be measured.
- ✓ Focus on the job requirements and the candidate's skills and qualifications to deliver against those requirements.
- ✓ Assess the candidate against the same criteria as all the other candidates for the job.

DON'T:

- ✗ Ask questions concerning a candidate's personal life or that are not relevant to the job.
- ✗ Ask inappropriate questions examples include "are you in good health", "how would you feel being managed by someone younger than you" or "do you have/plan to have any children."
- ✗ Adopt a biased approach towards candidates or make stereotyped assumptions.

If you have any queries or need help with drafting or reviewing recruitment policies or training for your staff around interviewing, please contact Jo Cullen Head of Employment at Edwards Duthie Shamash for a free initial discussion – Josephine.Cullen@edslaw.co.uk or 020 8475 7401

The information contained in this checklist is provided for guidance. It is provided for your information only and should not be used as a substitute for obtaining legal advice that is specific to your particular circumstances. It is strongly recommended that you seek advice before taking action.