

Recruitment and Selection Policy and Procedure

Policy statement¹

- A.** We are an *equal opportunities employer*, which means that we are committed to providing equality of opportunity in employment to all persons.
- B.** When recruiting new employees or when affording our current employees with opportunities for promotion, it means that we will-
- follow the good practice recommendations of the codes of practice and other guidance issued by the Equality Commission;
 - not discriminate unlawfully against any person.²
 - select the best person for the job in terms of qualifications and abilities.
- C.** To achieve these aims, we have set up this recruitment and selection procedure. No position in the company may be filled unless this procedure has been followed.
- D.** The *[insert job title of relevant person]* has the main responsibility for implementing this policy and procedure.
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The Procedure

1. General principles

- These procedures must be applied fairly and consistently to all job applicants.
- Assistance must be given, where needed, to job applicants who are disabled.
- All recruitment must be planned in advance and opened up to competition.
- We do not accept casual or speculative requests for employment.
- All persons who wish to work for us must complete an application form in response to an advertised job vacancy.
- All applicants must then be assessed against relevant selection criteria to determine who the best person for the job is.

¹ The notes included in the boxes may be deleted if you wish to shorten the document for your own purposes. However, we recommend that you keep them as they contain some useful guidelines.

² Refer to Appendix 1 for further information about the meaning of discrimination.

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- All persons involved in selecting staff must read and apply this policy and procedure, our *Equal Opportunities Policy*, and the good practice recommendations of the codes of practice and other guidance issued by the Equality Commission.

2. Helping job applicants who are disabled

- a. *Disability Discrimination Act 1995*: The general rule of good practice is that our procedures and practices must be applied fairly and consistently to all job applicants. But, it is especially important that those of our staff who are involved in recruitment are also aware that they may be required to make **reasonable adjustments** to some or all of those procedures and practices if that is needed to remove any disadvantages which they cause for any disabled job applicants.
- b. This is a legal duty and failure to comply with it is unlawful disability discrimination. The adjustments need only be made for the disabled persons who require them and it may result in those disabled persons being treated more favourably than other persons; if so, that is lawful and permissible.

3. Open a recruitment file

- a. At the start of a recruitment exercise for a particular job, a *Recruitment File* for that particular exercise must be created.
- b. Each file should have a unique reference number.
- c. This file will be used to store copies of the documents associated with the recruitment exercise. As the exercise progresses, this will include copies of-
 - the job description and personnel specification
 - the job advertisement
 - the application forms that are received
 - shortlisting and interview assessment sheets and notes
 - letters to applicants

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4. Open a monitoring file³

- a. After the Recruitment File is opened, a separate *Monitoring File* must also be opened.
- b. The Monitoring File will have the same reference number as the main Recruitment File.
- c. This file must be used to store copies of the equal opportunities monitoring documents associated with the recruitment exercise, such as-
 - equal opportunities questionnaires returned by the applicants
 - the Applicant Register⁴
 - the Recruitment Summary Record⁵

The information held in the Monitoring File will be used to help us in complying with our duties under the *Fair Employment & Treatment (NI) Order 1998*; (a) monitoring our job applicants; (b) submitting annual monitoring reports to the Equality Commission; (c) carrying out our 3-yearly Article 55 reviews. The information must be treated with the strictest confidentiality.

5. Job descriptions

A *job description* must be drawn up for every post. This is a document that sets out the essential duties of the job, including the job title.⁶

Job titles should be gender-neutral. Do not use terms like *Salesman, Salesgirl, Foreman, Storeman!* Instead use alternatives like *Sales Assistant, Supervisor, Store Assistant*.

6. Personnel specifications

A *personnel specification* must be drawn up for every post. This is a document that sets out the selection criteria which will be used to assess job applicants to determine which one is the best person for the job.⁷

³ This step may not be needed for some small private and voluntary sector employers and thus they may choose, if they wish, to not include it within their policy and procedure. This choice is given only to those employers who employ 10 employees or less (counting only those employees who work for 16 or more hours per week). All other employers must monitor the community background and sex of their job applicants and employees. If you are required to monitor these categories, then it would be best to retain this part of the procedure.

⁴ A sample Applicant Register is set out in Appendix 8.

⁵ A sample Recruitment Summary Record is set out in Appendix 9.

⁶ A sample job description pro-forma is set out in Appendix 2.

⁷ A sample personnel specification pro-forma is set out in Appendix 3.

The personnel specification must be based on the job description. Before setting down the selection criteria, think carefully about the qualifications, knowledge, skills and experience that you genuinely think will be needed by a person to enable them to do the job.

The selection criteria must be closely tailored to fit the needs of the job. Also, note which criteria are *essential* for doing the job and those which are merely *desirable*.

Do not set criteria which are unnecessary! For example: (a) do not say a driving licence is required if any travelling can easily be done using public transport; (b) do not say a person must have GCSEs or A-levels only, if other equivalent qualifications, such as those gained overseas, are satisfactory too; (c) do not say a person must have recent work experience, if work experience gained at any other time would be just as satisfactory.

[Optional (delete if not applicable) - In some workplaces, including this one, the essential nature of the work duties of some jobs may require the job-holder to have a particular characteristic, such as a being a man or a woman, or a having particular religion or race, etc. For these exceptional jobs, this fact will be noted in the personnel specification(s) for the job(s) in question and in the relevant job advertisements. Staff involved in filling such posts must contact the Equality Commission for advice before developing the relevant personnel specifications or advertising such jobs.]

7. Advertising the job vacancy

- a. All job vacancies must be advertised to welcome applications from as many eligible candidates as possible.⁸

Use a variety of different media to publish advertisements. For example, advertisements should be placed on our company website and also, at the same time, in local Job Centres, or in one or more newspapers, or on online recruitment websites.

[Optional (delete if not applicable) – you could specify which particular newspapers or other media you will place advertisements in. It would be especially important to do this if you are currently taking any affirmative or positive action to encourage applications from an under-represented group (e.g. Roman Catholics or Protestants). In such cases you will need to ensure that your staff know which newspapers or other media you have decided to advertise in so that you are properly targeting the appropriate groups].

[NOTE (delete if not applicable) – you could note any exceptional occasions where you may wish to depart from a general policy of advertising all vacancies to the general public. This should only be done where you have a very good reason for doing so. A possible example may be where you need to advertise internally only on certain occasions in order to avoid the possibility of having to make redundancies in the near future. Another example may be where you are re-deploying a disabled employee to a vacant post in order to comply with the reasonable adjustment duty of the Disability Discrimination Act.]

- b. The following statement must be added to all advertisements:

“We are an equal opportunities employer”.

⁸ An advertisement checklist is set out in Appendix 4.

[Optional (delete if not applicable) – the following paragraphs may be added instead of the above where you are currently taking affirmative or positive action

Following a recent equal opportunities review of our workforce and working practices, we concluded that we should take action to encourage applications for employment from [members of the Roman Catholic (or, Protestant) community] OR [women (or men)] OR [insert other relevant group] as such persons are under-represented in our workforce.

Therefore, the following statement must be added to all advertisements: “We are an equal opportunities employer. We welcome applications from all suitably qualified persons. However, as [Roman Catholics] OR [Protestants] OR [women] OR [insert other relevant group] are currently under-represented in our workforce, we would particularly like to receive applications from them. All appointments will, however, be made on the basis of merit.”]

8. Application process and forms

- a. All persons who wish to work for us must complete our standard application form for the job in question in response to an advertised job vacancy.⁹
- b. All persons who request an application form will be sent an application pack that includes the following information:
 - the application form for the post,
 - the job description and personnel specification for the post,
 - the closing date and the company’s contact details for applicant enquiries,
 - an equal opportunities monitoring form [*Optional for some employers – delete if not appropriate – see section 9 for further information*]
- c. We will normally aim to keep open our application period for each recruitment exercise for an interval of around 3 weeks.

Disabled applicants

- d. We will not normally accept *curricula vitae* (CVs), but we may accept them in exceptional circumstances as a reasonable adjustment for any disabled candidate who needs it. We are also prepared to make our standard application forms available in other formats if that too would help any disabled candidates to apply.

⁹ A sample application form pro-forma is set out in Appendix 5.

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9. Equal Opportunities Monitoring¹⁰

- a. As an employer who employs more than 10 employees, we are registered with the Equality Commission for the purposes of the *Fair Employment & Treatment (NI) Order 1998* and, therefore, we must monitor the *community background* and sex of our job applicants and employees. All persons who request a job application form will be sent our separate equal opportunities monitoring form as well.¹¹

[Optional (delete if not applicable) – the following paragraphs may be added instead of the above where you have decided that you wish to monitor other characteristics in addition to community background and sex, such as disability, racial group, age, sexual orientation.

As an employer who employs more than 10 employees, we are registered with the Equality Commission for the purposes of the Fair Employment & Treatment (NI) Order 1998 and, therefore, we must monitor the community background and sex of our job applicants and employees. In addition to our statutory obligations we will also monitor a range of other characteristics, such as disability, racial group, age, sexual orientation. All persons who request a job application form will be sent our separate equal opportunities monitoring form as well.^{12]}

- b. All information contained in the applicants' monitoring forms will be treated with confidence and must not be read or considered by those members of our staff who sit on the shortlisting or interview panels for the posts in question.

10. The Selection Process

After the application stage closes, our selection process consists of the following stages-

- a. Pre-shortlisting
- b. Shortlisting
- c. Testing
- d. Interviews
- e. Pre-employment checks

¹⁰ This section may not be relevant for some small private and voluntary sector employers and thus they may choose, if they wish, to not include it within their policy and procedure. This choice is given only to those employers who employ 10 employees or less (counting only those employees who work for 16 or more hours per week). All other employers must monitor the community background and sex of their job applicants and employees; however even those employers have a discretion when it comes to monitoring any other characteristics, such as disability and racial group.

¹¹ For employers who intend only to monitor the obligatory categories of *community background* and *sex*, the Equality Commission's recommended monitoring form is set out in Appendix 6.

¹² For employers who intend to monitor the obligatory and the additional categories, the Equality Commission's recommended monitoring form is set out in Appendix 7.

Note (delete from final document): You do not necessarily have to adopt all of these stages in your own procedure, but these are the most common procedures that most employers tend to use in practice. This template policy and procedure is based on an assumption that you will use at least some of these stages, especially shortlisting and interviews. You may delete any of the stages from your own procedure if you do not intend to use them.

11. Pre-shortlisting

- a. The equal opportunities monitoring questionnaires returned by the applicants will be separated from their main application forms and will be placed in the Monitoring File.
- b. The original application forms will be kept in the main Recruitment File for the exercise.
- c. The application forms submitted by the applicants will be checked to see if any disabled applicant has indicated that he/she has any special requirements or are requesting any reasonable adjustments during the selection process. If any such requirements or adjustments are needed, then this will be noted at an early stage so that sufficient time is available to plan and make the appropriate arrangements. Where practicable, applicants will be contacted to obtain further information.

Note: The kinds of reasonable adjustments or other arrangements that may be needed will depend on individual circumstances. Some may be simple and others more complex. Two or more specific adjustments may be needed too. Some examples, may be: (a) allowing an applicant extra time to take a test or to deliver a presentation or to answer interview questions; (b) conducting an interview in a different way, such as over the telephone, or with the aid of a sign language interpreter; (c) ensuring that the interview is held in a room that is accessible for wheelchair-users; (d) postponing the interview to ensure that any such arrangements can properly be made.

- d. A Selection Panel for the exercise will be set up to carry-out shortlisting and interviews. Where practicable, the same panel will carry-out both.
- e. The Selection Panel will consist of at least two members and, where practicable, they will be persons of different sex and community background.
- f. No one may sit on a Selection Panel unless he or she has received appropriate training about fair, non-discriminatory recruitment methods.
- g. Each Selection Panel member will be given a file containing copies of:
 - each applicant's application form
 - the job description and personnel specification for the post
 - the job advertisement
 - this recruitment procedure

- h. Selection Panel members must not see the applicants' equal opportunities monitoring questionnaires.

12. Shortlisting

- a. Shortlisting is an initial assessment of the applicants based solely on the information contained in their application forms. The purpose is to decide which applicants meet the essential and/or desirable job criteria so that they may be given more in-depth consideration at the next stage of the process.
- b. The criteria to be applied are those that are set out in the personnel specification for the job in question.
- c. The essential criteria must be applied always. The Selection Panel will decide whether any of the desirable criteria will also be applied.
- d. The shortlisting decisions must be fair and consistent.

All applicants who satisfy all of the applicable criteria (i.e. the essential criteria and, where they are applied, the desirable criteria), should proceed to the next stage of the selection process. If an applicant fails to satisfy any of the applicable criteria, then his or her application should be rejected. If the benefit of the doubt is given to one applicant, then it should be given to the others too.

Academic qualifications

- e. In cases of doubt and before making a final shortlisting decision, the Selection Panel will make enquiries from an appropriate authority to check the values and equivalences of academic and other qualifications, especially those that were gained overseas.

Note: The Northern Ireland Department for Employment & Learning operates a *Qualifications Comparison Service*. The service is available through the following Jobs and Benefits offices; Carrickfergus, Shaftesbury Square Belfast, Lisburn, Antrim, Limavady, Dungannon and Portadown. It can also be accessed at the EURES office in Gloucester House, Chichester Street, Belfast.

Marking sheet

- f. The Selection Panel must record their assessment of each applicant on the shortlisting record sheet that has been prepared for the exercise.¹³
- g. The completed sheet should be signed by all members of the panel and added to and kept in the main Recruitment File.

¹³ A sample shortlisting sheet pro-forma is set out in Appendix 10.

Rejection letters

- h. Applicants who are rejected at the shortlisting stage will be informed about this in writing as soon as possible afterwards.

13. Testing

- a. Testing is a method of assessing applicants that we may use occasionally.
- b. We will only use tests from reputable providers and which are proven to be capable of providing reliable assessments of the applicants' abilities to perform the duties of the job.
- c. The tests will be used to assess the applicants against only the essential and/or desirable criteria set out in the personnel specification for the job in question.
- d. In line with other commitments made previously in this procedure, appropriate reasonable adjustments to the testing procedures will be made for those disabled applicants who may need them.
- e. The test records will be added to and kept in the main Recruitment File.

Rejection letters

- f. Applicants who are rejected at this stage will be informed about this in writing as soon as possible afterwards.

14. Interviews

- a. Interviews are the main method by which we will assess the remaining applicants who have passed the shortlisting and/or testing stages.
- b. The Selection Panel's primary aim is to select the best person for the job.

Prior to the interview

- c. The applicants will be sent written invitations to attend.
- d. In line with other commitments made previously in this procedure, appropriate reasonable adjustments to the interview arrangements will be planned and made for those disabled applicants who may need them.

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- e. The Selection Panel will meet before the date of the interviews to decide how they will carry-out the interview and to draw up the questions they intend to ask. The panel may decide:
- whether to ask applicants to deliver a presentation, and if so
 - whether they should prepare it in advance of the day or on the day
 - whether questions used in previous recruitment exercises for the same post are satisfactory and will be used again, or
 - whether to amend the questions or ask new ones
- f. The questions should only be job-related and designed to assess the applicants against the essential and/or desirable criteria set out in the personnel specification for the job in question.
- g. The questions should not seek to obtain the following kinds of personal information about the applicants:
- religious belief or political opinion
 - ethnicity, nationality or national origins
 - age or date-of-birth
 - sexual orientation
 - health or disability
 - marital status or family status or whether the applicant has children or plans to have children
- h. The panel will decide how they will score and weight the answers and questions and prepare a standardised *interview assessment* sheet against which the applicants will be marked.¹⁴

During the interview

- i. All applicants should be asked the same pre-set questions.
- j. All applicants should be treated fairly during the interview and the marks awarded to them should be fair and consistent.

¹⁴ A sample interview assessment sheet is set out in Appendix 11.

Note: The applicants should be asked the same set questions and each should be given a fair opportunity to answer them. For example, applicants should not be unfairly interrupted. Nor should applicants be made to feel out-of-place by comments such as: “We don’t get many women working here” or “We don’t get many older people working here”.

Also, the marks awarded should be fair and consistent and based on evidence that is presented by the applicant in his or her interview answers or application form. For example: (a) in the category of qualifications, a candidate with a degree in a relevant subject would not normally be expected to receive a lower mark than a candidate without one; and (b) in the category of experience, a candidate with 5 years relevant work experience would not normally be expected to receive a lower mark than a candidate with 6 months relevant experience, and (c) in the category of communication skills, a candidate who gives monosyllabic answers would normally be expected to receive a lower mark than a candidate who answers the questions fluently and without prompting. Inconsistent marking in matters like this will need to be explained with good reasons.

The interviewers should be very careful about asking unplanned questions (i.e. not the pre-set questions, but extra ones that arise in the course of the discussion and which might be asked to clarify points raised by an applicant). Such questions should be job-related always. They should never seek irrelevant personal information of the kind described in point 14g above. Nor should certain types of applicant be asked questions that would not be asked of others and which reveal stereotypical thinking: For example, (a) do not ask women “Do you have any children?” or “Do you plan to get pregnant?”; (b) do not ask older people: “How would you feel working with younger people?” or “Do you still have the drive and motivation to succeed here?”.

- k. Each panel member will complete a separate *interview assessment* sheet for each and every applicant.

After the interview - selection decision

- l. After every applicant has been interviewed, the panel will discuss their views and assessments and jointly draw up a list of the applicants in merit order.
- m. The vacant post, or posts, will be offered to the most meritorious applicant, or applicants, in accordance with that merit order.
- n. The panel may also decide that other applicants on the merit list will be offered positions on a reserve list to fill any vacancies that may arise for the same position within the following 12 months. Again, this will be done in accordance with the merit order.

After the interview – administrative matters

- o. All of the Interview Assessment sheets will be transferred to the main Recruitment File for storage.
- p. The successful applicants will be sent conditional offers of employment, subject to any satisfactory pre-employment checks that are required.

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- q. The “reserve list” applicants, if any, will be informed in writing of that decision.
- r. If a “reserve list” applicant is later offered a position, that too will be a conditional offer, subject to any satisfactory pre-employment checks that are required.
- s. The unsuccessful applicants will be informed in writing of that decision.

15. Pre-employment Checks

Right to work in the UK

- a. We are not allowed under immigration law to employ any person who is not legally entitled to work in the UK. To ensure that we comply with that law and at the same time avoid unlawful racial discrimination against migrant workers, we will check that all persons, including local persons, who we intend to employ are entitled to work here and entitled to do the work in question.
- b. These checks will not be used for shortlisting or interviewing purposes. The checks will only be made in respect of persons to whom we have made a conditional offer of employment.

Note: The checks will be made by requiring all persons who are given a conditional offer of employment to provide us with the relevant documents specified in List A or List B of the UK Border Agency’s Code of Practice on Preventing Illegal Working [2008]. The Code of Practice may be obtained at <http://www.ukba.homeoffice.gov.uk/>.

Health checks and examinations

Note: This section may be deleted if your policy is not to seek health information about new employees or to require them to undergo medical examinations.

- c. We will not seek health information on our application forms and such information will never be used by us for shortlisting or interview purposes.
- d. When we do seek such information it will be obtained from an appropriate medical expert.
- e. We will only seek such information in respect of persons to whom we have made a conditional offer of employment.

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- f. We will only seek such information where the particular needs of the job require us to know it.
- g. We will not single out disabled persons to provide such information.
- h. In the case of disabled applicants, we will consider what reasonable adjustments, if any, may be required to the working arrangements or workplace, and we will make our final selection decision following an assessment of how the applicant would perform in the job if these reasonable adjustments were actually made.

References

Note: This section may be deleted if your policy is not to seek references about new employees.

- i. We will not seek a reference from an applicant's current employer unless the applicant has given his or her consent to that.
- j. We will accept references from other persons who know the applicant in a non-occupational capacity.
- k. However, all references should be job-related. Therefore, we will provide referees with copies of the job description and personnel specification for the relevant posts and ask them specifically for their views on an applicant's abilities to do the job in question.

Criminal records

Note: This section may be deleted if you are not required by law to check whether your prospective employees have criminal records that affect their suitability to work for you or with certain groups (e.g. children or vulnerable adults) and where you do not have a policy of making such checks.

- l. We will not seek criminal record information on our application forms and such information will never be used by us for shortlisting or interview purposes.
- m. We will only seek such information in respect of persons to whom we have made a conditional offer of employment.
- n. We will treat the information with the utmost sensitivity and confidentiality.
- o. We will not withdraw a conditional offer of employment merely because a person has a criminal record. We will keep an open mind and will make a final decision following a risk assessment, taking account of the following matters-

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- the nature of the job and the nature of any potential risks to our business, customers, clients and other employees
- the applicant's skills, qualifications and abilities
- how relevant the criminal conviction(s) is to the job in question
- the seriousness of the offence(s)
- the frequency of the offending
- how long ago the offence(s) occurred
- the circumstances surrounding the offence(s)
- whether the applicant's circumstances have changed since the offence(s)
- any representations made by the applicant or his/her referees

Note (delete if not appropriate): The suggested text above is appropriate where you have discretion to employ individuals who have criminal records. However, you will need to change the text if your business is a "regulated activity" for the purposes of the *Safeguarding Vulnerable Groups (NI) Order 2007*, a law which places restrictions on whom you may employ if your business and activities involve contact with children and other vulnerable persons. For further advice, contact *AccessNI* at <http://www.dojni.gov.uk/accessni>.

16. Confirmation of Offer

- a. After the pre-employment checks have been completed and are deemed to be satisfactory, the successful applicant will be notified in writing that the offer of employment is confirmed.
- b. The confirmation letter will specify the following details:
 - job title
 - duration of post (permanent or temporary)
 - duration of probationary period (if any)
 - proposed or agreed start date
 - outline of main terms and conditions
 - details of how to accept the offer

17. Record keeping

- a. The documents in the main Recruitment File should be kept for at least 12 months following the date of the interviews.
- b. The documents in the Monitoring File should be kept for at least 3 years following the closing date for applications.

Appendix 1 – This information is optional and does not need to be attached to the policy/procedure. It is up to you, the employer, to decide if you wish to include it.

Meaning of Discrimination

Introduction

The anti-discrimination laws ban discrimination on the statutory equality grounds. The laws use terms such as **direct discrimination; indirect discrimination; disability-related discrimination; failure to comply with a duty to make reasonable adjustments; harassment** and **victimisation** to describe the different types of discriminatory conduct which are banned. Further information about these terms is given below.

The statutory equality grounds

The anti-discrimination laws in Northern Ireland ban discrimination in employment on the grounds of sex; pregnancy and maternity leave; religious belief; political opinion; race; sexual orientation and age. The laws also ban discrimination against people who are disabled; people who are married or who are in civil partnerships; and, people who have undergone, are undergoing or who intend to undergo gender reassignment.

When is it unlawful for an employer to discriminate?

The anti-discrimination laws ban discrimination in relation to the whole range of employment-related activities, from recruitment through to termination of employment, and even beyond (e.g. providing job references to former employees). However, to focus specifically on recruitment and selection, it is unlawful for an employer to discriminate against job applicants and employees in the following circumstances.

A. Discrimination against job applicants

It is unlawful for employers to discriminate against job applicants:

- in the arrangements made for determining who will be offered a job; or
- by refusing or deliberately omitting to offer a person a job.

B. Discrimination against employees

It is unlawful for employers to discriminate against employees:

- in their access to opportunities for promotion; or
- by subjecting them to any other detriment.

Direct discrimination

This usually occurs where an employer treats a job applicant or employee less favourably than he treats (or, would treat) another person, in the same or similar circumstances, on one or more of the statutory equality grounds.

For example, it is direct discrimination to refuse to employ a job applicant because she is a woman, or pregnant; or, because he/she is a Roman Catholic or a Protestant; or, because he/she is an Irish Traveller; or, because he/she is gay or lesbian; or, because he/she is disabled; or, because he/she is of a certain age (e.g. over 60, or under 20).

A recruitment or selection decision that is directly discriminatory will normally be unlawful unless: (a) in an age discrimination case, the decision can be objectively justified, or (b) in any other case, an employer can rely on a statutory exception, such as a genuine occupational requirement exception where the job needs to be done by a person who has a particular characteristic (e.g. the job holder needs to be a woman in order to preserve the decency and privacy of women service-users who may be undressed).

Indirect discrimination

This generally occurs where an employer applies to all job applicants or employees a particular provision, criterion or practice, but which has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people.

Indirect discrimination might arise in a recruitment situation in the following way: the employer sets and applies a particular job criterion to all job applicants; however, it has the effect of disproportionately excluding or disadvantaging people who are members of a particular equality group. For example: (a) if a job-holder needs to have a degree and 5 years post-qualification experience then the criteria effectively excludes people aged under 26 or 27 years and, thus, the combined effect of the two criteria could be indirectly age discriminatory against people under the age of 26 or 27 years; (b) requirements to have academic qualifications that can only be gained through the local education systems (i.e. UK or Republic of Ireland) may effectively exclude many migrant workers who are otherwise eligible and qualified to do the work in question and, thus, could give rise to indirect race discrimination.

A recruitment or selection decision that is indirectly discriminatory will normally be unlawful unless the decision (e.g. the job criterion in question) can be objectively justified.

Disability-related discrimination

This occurs where an employer, without lawful justification, and for a reason which relates to a disabled person's disability, treats that person less favourably than the

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employer treats (or, would treat) other people to whom that reason does not (or, would not) apply.

Failure to comply with a duty to make reasonable adjustments

This is another form of disability discrimination that occurs where an employer is under a duty to make reasonable adjustments for a particular disabled job applicant or employee and fails to comply with it. A failure to comply with the duty cannot be justified and is always unlawful.

An employer will be under a duty to make reasonable adjustments for a particular disabled job applicant or employee if the following conditions apply:

- the disabled person is at a substantial disadvantage compared to persons who are not disabled as a result of,
- any provision, criterion or practice applied by the employer, or any physical feature of premises occupied by the employer, and
- the employer knows, or could reasonably be expected to know, that the disabled person is disabled and is suffering the said disadvantage, or is likely to.

Where the employer is under the duty, he/she is required to take such steps as are reasonable to take, in all the circumstances of the case, in order to prevent the disabled person from suffering the said disadvantage.

In a recruitment exercise, this could mean that the employer may, depending on what is reasonable in the circumstances, have to change or waive particular job selection criteria, or provide assistance to a disabled job applicant to help him/her to participate in a selection test or job interview.

Harassment

Harassment is a form of discrimination that may occur across all or any of the statutory equality grounds. It usually occurs where a job applicant or employee is subjected to unwanted conduct that is related to a statutory equality ground with the purpose, or which has the effect, of violating their dignity or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment.

It is perhaps more likely in practice to occur in the course of employment in a normal workplace setting, but it could occur during a recruitment and selection exercise as a result of the manner in which a selection panel, or any of its individual members, behave towards a job applicant during the course of an interview (e.g. making sexist, racist or homophobic comments to a job applicant, or making derogatory comments to a pregnant or disabled job applicant). Harassment cannot be justified and is always unlawful

Victimisation

This generally occurs where an employer treats an employee or job applicant less favourably than he treats (or, would treat) another person, in the same or similar circumstances, because the person has previously exercised their rights under the anti-discrimination laws, or has assisted another person to do so.

Victimisation is essentially a form of retaliation (e.g. the employer retaliates against a person who previously made a discrimination allegation against him/her by refusing on that account to offer them a job or a promotion). Victimisation cannot be justified and is always unlawful.

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Job Description pro-forma

Appendix 2

Company name: _____

Job Title: _____

Location: _____

Reports to: _____

Has responsibility for: _____

Main purposes of the job:

Main job duties:

1. To.....
2. To.....
3. To.....
4. To.....
5. To.....
6. To perform the job in accordance with the company's policies and procedures, especially the Equal Opportunities and Harassment Policy and Procedure.
7. To perform any other duties as may reasonably be required from time-to-time.

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Personnel Specification pro-forma

Appendix 3

Company name: _____

Job Title: _____

Location: _____

Reports to: _____

Has responsibility for: _____

Essential criteria:

(list the qualifications, knowledge, skills and experience that you genuinely think will be needed by a person to enable them to do the job)

1. Relevant Qualifications:.....
2. Relevant experience:.....
3. Relevant skills:.....
4. Relevant knowledge:.....
5.
6.
7.

Desirable criteria:

(list the qualifications, knowledge, skills and experience that you genuinely think would be desirable, although not actually necessary, for the job-holder to possess)

1.
2.
3.
4.

Checklist for drafting advertisements

Appendix 4

The text of the advertisement should be based on the text of the job description and personnel specification for the relevant post. The amount of detail to insert into the advertisement is a matter for the employer's own discretion and resources. This checklist is an example of the type of information that employers typically insert into advertisements.

- **Company name**
- **Description of the organisation, the workplace or the workforce**
Do not use words like "young" "youthful" "mature" "dynamic" "energetic" "enthusiastic" to describe the organisation, the workplace or the kind of person you are seeking to recruit.
- **Job Title & main purpose of the job**
Job titles should be gender-neutral. Do not use terms like *Salesman, Salesgirl, Foreman, Storeman!* Instead use alternatives like *Sales Assistant, Supervisor, Store Assistant.*
- **Photographs / pictures**
If photographs or pictures are used in the advertisement then, if possible, they should show both men and women and people of different races.
- **Working arrangements**
Work location / permanent or temporary contract / hours of work / full-time or part-time / whether flexible working arrangements will be available
- **Terms and conditions**
Salary and other benefits.
- **Essential criteria**
If the job that is being advertised is one of those exceptional posts in which the job duties require the job-holder to have a particular characteristic, such as a being a man or a woman, or a having particular religion or race, etc., then this should be stated in the advertisement. Staff involved in drafting such advertisements should contact the Equality Commission for further advice.
- **Desirable criteria**
- **Application arrangements**
The company's address and telephone number / e-mail address / website address / who to contact to obtain an application form and to provide information or assistance to those who may need it / closing date for applications.
- **Equal opportunities statement**
"We are an equal opportunities employer" / Also, refer to section 7 of the main procedure for further information.

Application Form pro-forma

Appendix 5

You may use this sample form as a guide when drafting your own standard application forms. The suggested content follows the guidance set out in Chapter 10 of the Equality Commission's main good practice guidebook, *A Unified Guide to Promoting Equal Opportunities in Employment*. We strongly recommend that you read Chapter 10 as it explains why these questions are included and why some other potential questions are not. The sample form is unlikely to be suitable for every post in all organisations, and you should make appropriate changes to "tailor" it for your own particular needs.

FOR OFFICE USE

Ref: No: _____

Closing date: _____

Date received: _____

Job Title: _____

Please complete this form in **BLOCK LETTERS** and return it on or before the closing date that was specified in the advertisement. Late applications will not be considered. Do not attach a separate CV to this form as it will not be considered.

YOUR NAME AND CONTACT DETAILS

Full name	
Postal Address	
Post Code	
E-mail address	
Telephone number(s)	

Recruitment and Selection Policy and Procedure

YOUR QUALIFICATIONS

Level (e.g. GCSE / Degree)	Subject / name of course	Grade attained

YOUR MEMBERSHIP OF PROFESSIONAL BODIES

Name of professional body	Grade of membership

YOUR EMPLOYMENT HISTORY

List your previous employers in reverse order, starting with your current or last employer.

Employer's name & address	Dates of employment	Job title & main duties	Final salary & reason for leaving

Recruitment and Selection Policy and Procedure

HOW DO YOU MEET THE JOB CRITERIA FOR THIS POST?

Explain how you satisfy the essential and desirable job criteria for this post. These are listed in the personnel specification for the post. There is a section for each criterion. Answer each one.

Essential Criterion 1

[specify the criterion here]

Essential Criterion 2

[specify the criterion here]

[add more sections where appropriate]

Desirable Criterion 1

[specify the criterion here]

Desirable Criterion 2

[specify the criterion here]

[add more sections where appropriate]

Recruitment and Selection Policy and Procedure

YOUR REFERENCES

List the names and contact details of two persons who are willing to provide references for you. They should be persons who know you (but who are not members of your family) and who are qualified to give an opinion about how you are suitable for this post. Please note that we will not contact your current employer for a reference unless and until we are prepared to offer the post to you.

First referee	Second referee
Name:	Name:
Address:	Address:
E-mail:	E-mail:
Telephone:	Telephone:
Relationship to you:	Relationship to you:

SPECIAL REQUIREMENTS

Please inform us about any special arrangements or adjustments that you may need us to put in place for you in the event that we invite you to interview. This will help us to help you. If, instead, you would prefer to discuss this with us, please telephone *[insert name of relevant person and contact number]* as soon as possible.

DECLARATION

I declare that the information I gave here is correct. I understand that I risk having a job offer revoked or my employment terminated if it is later discovered that I deliberately gave false information here with the intention of deceiving you.

Signed: _____

Date: _____

Sample Fair Employment Monitoring Questionnaire

Appendix 6

Ref No:

Private & Confidential

Monitoring Questionnaire

Introduction:

We are an Equal Opportunities Employer. We do not discriminate against our job applicants or employees and we aim to select the best person for the job. We monitor the community background and sex of our job applicants and employees in order to demonstrate our commitment to promoting equality of opportunity in employment and to comply with our duties under the *Fair Employment & Treatment (NI) Order 1998*.

You are not obliged to answer the questions on this form and you will not suffer any penalty if you choose not to do so. Nevertheless, we encourage you to answer these questions. Your answers will be used by us to prepare and submit a monitoring return to the Equality Commission, but your identity will be kept anonymous. In all other regards your answers will be treated with the strictest confidence. We assure you that your answers will not be used by us to make any decisions affecting you, whether in a recruitment exercise or during the course of any employment with us.

1. Community Background:

Regardless of whether they actually practice a religion, most people in Northern Ireland are perceived to be members of either the Protestant or Roman Catholic communities.

Please indicate the community to which you belong by ticking the appropriate box below:

I am a member of the Protestant community:

I am a member of the Roman Catholic community:

I am not a member of either the Protestant or the Roman Catholic communities:

If you do not answer the above question, or if you tick the "not a member of either" box, we are encouraged to use the residuary method of making a determination, which means that we can make a determination as to your community background on the basis of the personal information supplied by you in your application form/personnel file.

2. Sex:

Please indicate your sex by ticking the appropriate box below:

Male:

Female:

Note: *If you answer this questionnaire you are obliged to do so truthfully as it is a criminal offence under the Fair Employment (Monitoring) Regulations (NI) 1999 to knowingly give false answers to these questions.*

Sample Equal Opportunities Monitoring Form

Appendix 7

Confidential

Reference no: _____

Monitoring Questionnaire

Guidance Notes:

We are an Equal Opportunities Employer. We aim to provide equality of opportunity to all persons regardless of their religious belief; political opinion; sex; race; age; sexual orientation; or, whether they are married or are in a civil partnership; or, whether they are disabled; or whether they have undergone, are undergoing or intend to undergo gender reassignment.

We do not discriminate against our job applicants or employees on any of the grounds listed above. We aim to select the best person for the job and all recruitment decisions will be made objectively.

In this questionnaire we will ask you to provide us with some personal information about yourself. We are doing this for two reasons.

Firstly, we are doing this to demonstrate our commitment to promoting equality of opportunity in employment. The information that you provide us will assist us to measure the effectiveness of our equal opportunity policies and to develop affirmative or positive action policies.

Secondly, we also monitor the *community background* and *sex* of our job applicants and employees in order to comply with our duties under the *Fair Employment & Treatment (NI) Order 1998*.

You are not obliged to answer the questions on this form and you will not suffer any penalty if you choose not to do so.

Nevertheless, we encourage you to answer the questions below. Your identity will be kept anonymous and your answers will be treated with the strictest confidence. We assure you that your answers will not be used by us to make any unlawful decisions affecting you, whether in a recruitment exercise or during the course of any employment with us. To protect your privacy, you should not write your name on this questionnaire. The form will carry a unique identification number and only our Monitoring Officer will be able to match this to your name.

Community Background:

Regardless of whether they actually practice a particular religion, most people in Northern Ireland are perceived to be members of either the Protestant or Roman Catholic communities.

Please indicate the community to which you belong by ticking the appropriate box below:

I am a member of the Protestant community:

I am a member of the Roman Catholic community:

I am not a member of either the Protestant or the Roman Catholic communities:

If you do not answer the above question, or if you tick the “not a member of either” box, we are encouraged to use the residuary method of making a determination, which means that we can make a determination as to your community background on the basis of the personal information supplied by you in your application form/personnel file.

Sex:

Please indicate your sex by ticking the appropriate box below:

Male:

Female:

Note: *If you answer these questions about community background and sex you are obliged to do so truthfully, as it is a criminal offence under the Fair Employment (Monitoring) Regulations (NI) 1999 to knowingly give false answers to these questions.*

Recruitment and Selection Policy and Procedure

Age:

Please state your date of birth:

Date of Birth: _____

Racial Group:

Please state your country of birth:

My country of birth is: _____

Please state your nationality:

My nationality is: _____

Please indicate which of the following applies to you:

White Chinese

Irish Traveller Indian

Pakistani Bangladeshi

Black Caribbean Black African

Black Other

Mixed ethnic group (please state which): _____

Any other ethnic group (please state which): _____

Recruitment and Selection Policy and Procedure

Disability:

Under the *Disability Discrimination Act 1995* you are deemed to be a disabled person if you have cancer, multiple sclerosis or HIV infection.

Also, you are deemed to be a disabled person if you have a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities.

Do you consider that you are a disabled person?

Yes: No:

If you answered “yes”, please indicate the nature of your impairment by ticking the appropriate box or boxes below:

Physical impairment, such as difficulty using your arms, or mobility issues requiring you to use a wheelchair or crutches:

Sensory impairment, such as being blind or having a serious visual impairment, or being deaf or having a serious hearing impairment:

Mental health condition, such as depression or schizophrenia:

Learning disability or difficulty, such as Down’s Syndrome or dyslexia, or **Cognitive impairment**, such as autistic spectrum disorder:

Long-standing or progressive illness or health condition, such as cancer, HIV infection, diabetes, epilepsy or chronic heart disease:

Other (please specify):
.....
.....

Recruitment and Selection Policy and Procedure

Sexual Orientation:

Please indicate your sexual orientation by ticking the appropriate box below:

My Sexual Orientation is:

I am straight:

I am gay or lesbian:

I am bisexual:

Marital Status / Civil Partnership Status:

Please indicate whether you are married or in a civil partnership by ticking the appropriate box below:

Are you married or in a civil partnership?

Yes: No:

Dependants / Caring Responsibilities:

Do you have dependants, or caring responsibilities for family members or other persons?

Yes: No:

If you answered "yes", are your dependants or the people you look after?
(Please tick the appropriate box or boxes):

A child or children:

A disabled person or persons:

An elderly person or persons:

Other:

If "Other", please specify: _____

RECRUITMENT SUMMARY RECORD

Job Ref No:		Job Title:		SOC group:		Department/Location:		
Community Background	Sex	Number of Applicants	Number invited to interview	No. who did not attend interview	No. who were rejected after interview	No. who were placed on reserve list	No. who were offered post but who turned it down	No. who were appointed
Protestant	Male							
	Female							
Roman Catholic	Male							
	Female							
Non-determined	Male							
	Female							
Total	Male							
	Female							

METHOD OF DETERMINATION

Method Used	Protestant males	RC males	Protestant females	RC females	Total
Direct					
Residuary					
Total					

Note: This template may also be kept electronically, e.g. on a computer spreadsheet or database. If so, then after the recruitment exercise is completed, a spreadsheet/report should be printed and saved in the Monitoring File.

SAMPLE SHORTLISTING MARKING SHEET

Job Ref. No: _____ **Job Title:** _____

Note: For each applicant, enter a tick (✓) in the relevant box where he/she satisfies the relevant criterion and an (x) where not.

Applicants	Essential criteria (from the personnel specification)					Desirable criteria (from the personnel specification)				Outcome / comments
	1	2	3	4	5	1	2	3	4	Invite to interview (Y / N)
1.										
2.										
3.										
4.										
5.										
6.										
7.										

Panel members:

1. _____ signed: _____ date: _____
 2. _____ signed: _____ date: _____
 3. _____ signed: _____ date: _____

SAMPLE INTERVIEW MARKING SHEET

Appendix 11

Job Ref. No: _____ Job Title: _____

Applicant's Name: _____

Note: Enter a score for all categories. Do not leave any categories blank.

Criteria (based on personnel specification)	Marks Available	Marks Awarded	Comments
Relevant Qualifications			
Relevant Experience			
Relevant Skills			
Relevant Knowledge			
Other (specify)			
Other (specify)			
Other (specify)			
Total Marks			Summary

Panel member: Name: _____ signed: _____ date: _____