



**ActifHR**

Where people matter...

---

## June 2017 Update

Welcome to this month's update - where we discuss the latest guidance and legislation.

In this Edition we report on:

- Interview questions and spotting the exaggerator
- Psychometric testing. Was it discriminatory?
- Holiday pay claim restrictions

But First...

---

## June 23rd is Bring your Dog to Work Day

- Did you know that 8% of employers allow dogs at work?
- Many believe that pets reduce stress and improve morale.
- Taking dogs into work may be calming, however I suspect it would be carnage if we all took our dogs in!

---

## Interview questions and spotting an exaggerator

Tel: 01327 317537

M: 07947567661

E: [caroline.robertson@actifhr.co.uk](mailto:caroline.robertson@actifhr.co.uk)/[info@actifhr.co.uk](mailto:info@actifhr.co.uk)

ActifHR Ltd, Innovation Centre, Silverstone Park. NN12 8GX

In response to a request for unexpected interview experiences by the BBC, more than 1500 people responded with examples that they deemed to be "outrageous" and "inappropriate".

Examples such as: Kevin being questioned: "You used to be in the army, how many people have you killed?", to which he responded: "Depending on the outcome of this interview, the number might change."

Jo who was asked to put a large straw hat over her face, as the interviewer said that in his opinion "pretty girls" like her depend too much on their looks...

And Katherine being asked whether she was too old and "Wouldn't have the energy" to work as a recruitment consultant at 37 years' old (yes, you read that correctly for those over 37...)

Apart from the sheer ridiculousness of some of the questions, the article provides a list of questions that perhaps employers should not ask: (<http://www.bbc.co.uk/news/business-39818120>)

**Employers:** Techniques can be used by employers to establish when employees are lying or over exaggerating their experience in an interview.

**Contact us:** We can support your interview process by training your managers to help you work this out

---

## Psychometric Testing. Was it Discriminatory?

Psychometric testing has been a way of assessing the aptitude of job applicants. But this tick-box test, marked by computers, doesn't necessarily provide a level playing field.

In a recent case of *The Government Legal Services v Brookes*, Ms Brookes suffered with Asperger's Syndrome. The initial stage of the recruitment process involved a multiple-choice test. She asked if she could respond by giving short narrative written answers, a question which she thought was reasonable. She took the test but unfortunately did not do well enough to move further on in the recruitment process.

The Employment Appeal Tribunal (EAT) upheld the tribunal's decision that she had been discriminated against indirectly. The 'provision, criterion or practice' (PCP) that all applicants in the trainee recruitment scheme take and pass the online test, put people such as Ms

Tel: 01327 317537

M: 07947567661

E: [caroline.robertson@actifhr.co.uk](mailto:caroline.robertson@actifhr.co.uk)/[info@actifhr.co.uk](mailto:info@actifhr.co.uk)

ActifHR Ltd, Innovation Centre, Silverstone Park. NN12 8GX

Brookes at a disadvantage. The court found that a person with Asperger's lacked the social imagination to understand hypothetical situations.

That form of discrimination could not be justified. While the PCP served a legitimate aim, the means of achieving that aim were not proportionate. It was also found that GLS had failed in its duty to make reasonable adjustments to be able to treat people fairly.

**Employers:** Build some flexibility into your recruitment process to deal with people who may be disadvantaged by your 'standard' procedure – sometimes this takes a bit of creativity.

**Contact us:** We can support your business in the interview and recruitment process.

---

### **Restriction on holiday pay claims reinforced**

The EAT has now confirmed one important principle, being that a gap of three months or more is enough to break the series of deductions for holiday claims purposes.

Where an employee has not been paid any of their holiday pay, or been underpaid their salary, they are entitled to bring a claim against their employer. But where there has been a gap of at least three months between these non-payments or underpayments, that cuts off their claim, the gap prevents them from claiming further back in time.

This latest decision confirms the rule that employees will only be able to claim back as far as the 'series of deductions' as long as they continued without a break of more than three months.

**Employers:** This is very important as it reduces the scope for backdated claims, and is therefore in favour of the employer.

**Contact us:** We can advise on holiday pay calculations

---

Tel: 01327 317537

M: 07947567661

E: [caroline.robertson@actifhr.co.uk](mailto:caroline.robertson@actifhr.co.uk)/[info@actifhr.co.uk](mailto:info@actifhr.co.uk)

ActifHR Ltd, Innovation Centre, Silverstone Park. NN12 8GX

**Caroline Robertson, CEO**

Caroline has a wealth of experience supporting business clients with practical hands on HR advice.

Caroline's pragmatic approach helps businesses of all sizes deal with complex HR situations.

She qualified as a Solicitor in 1999 and is able to assist Businesses on all aspects of employment law and HR.



You are receiving this e-mail from ActifHR Limited. To stop receiving these emails, please send a return email with 'unsubscribe' in the title.

Disclaimer: This newsletter is provided for general information only and does not constitute legal or other professional advice. If you require advice on a specific Human Resource issue please contact [caroline.robertson@actifhr.co.uk](mailto:caroline.robertson@actifhr.co.uk). ActifHR Limited accepts no responsibility for any loss which may arise from reliance on information contained in this newsletter.

---

Tel: 01327 317537

M: 07947567661

E: [caroline.robertson@actifhr.co.uk](mailto:caroline.robertson@actifhr.co.uk)/[info@actifhr.co.uk](mailto:info@actifhr.co.uk)

ActifHR Ltd, Innovation Centre, Silverstone Park. NN12 8GX