



**ActifHR**

Where people matter...

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## November 2017 Update

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

In this Edition we report on:

- Advertising Company Job Vacancies
  - Application Forms
  - Candidate Shortlisting
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## Advertising Company Job Vacancies

Workplace laws are not only just for employees and workers. Job applicants and even potential job applicants have some protection. The Equality Act gives candidates protection from the moment when you identify a vacancy, all the way through to selecting the successful candidate.

Base an advert on a job description and person specification. Consider the aspect of the job role and ask yourself questions like: what skills, qualifications and experience must the successful candidate have? Could the job be carried out on a part-time basis? It is good practice to consider what skills and experience would be desirable, but not essential.

It is easy to inadvertently give the impression that someone is not able or welcome to apply for a job because of a particularly protected characteristic for example, disability, sex, religion or belief.

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By stating 'regular Sunday working' when working on a Sunday would only be an occasional requirement, could amount to indirect discrimination against a Christian who decided not to apply.

Some other things to avoid:

- 'Salesman', 'waitress' show a bias towards particular characteristics.
- 'Full-time' when that isn't a key requirement. It could be indirect discrimination against women, a lot of whom work part-time.
- Requirements relating to physical attributes, health and fitness that cannot be objectively justified.
- 'At least 10 year's experience' is potential indirect discrimination against age.
- 'At least 10 years continuous employment' could be indirect discrimination against women, who are most likely to have looked after children.
- Skills or knowledge criteria that are unnecessarily restrictive.
- Requiring a good sickness record. This could be indirect discrimination against disabled people, and you would need to be able to objectively justify the criterion.

If you are recruiting internally, it is absolutely key to make sure you give everyone (including those who may be off sick or on maternity leave) a fair opportunity to find out about the vacancy, and to apply.

Be mindful in only asking for personal information that is relevant to the recruitment decision to be made.

**Employers:** The new General Data Protection Regulations is something to be aware of. You should state in the advert the purpose for which you may use personal information, as part of the recruitment process.

**Contact us:** We can assist you with designing job specifications, checking job adverts and clarifying your obligations under the New General Data Protection Regulations.

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## Application Forms

Many companies use recruitment agencies or simply accept CV's from candidates when advertising job roles. If your company does use an application form, then the more standardised you can make the application process, the better. The key thing with applications and interviews is to be as objective and fair as you can about the applicants.

Best practice when it comes to the application form include:

- Putting your organisations' name on the form.
- If you're going to use information from the application form for a purpose other than to recruit for a specific job, or pass it to anyone else, declare it.
- Only ask for personal information that is relevant to the recruitment decision to be made.
- Only ask for information regarding criminal convictions if it can be justified, based on the role.
- If you're looking to collect sensitive data (for example medical information) explain why you're doing this.
- Provide a secure method for sending and receiving applications.
- Once electronic applications are received, save these in a directory or drive to which only those involved in the recruitment process has access.
- Ensure that postal applications are given directly to the person processing the applications, to store in a locked drawer.
- Make sure that line managers who process applications know how to gather and store them with confidentiality.

Be careful about asking an applicant about their disability and health, including past sickness absence. The general rule is that you should not ask questions about the health of an applicant unless such questions are intrinsic to the job. For example; you can ask someone who needs to carry heavy objects about their ability to do this, as it is absolutely critical to the role.

Also, you are able to ask if you need to make any reasonable adjustments to the recruitment process, to accommodate an applicant with a specific disability or need.

**Employers:** Must be more aware of the information they collect on future employees, which is often not relevant to the role that is applied for. The new GDPR is a good opportunity to clear out old and out of date records.

**Contact us:** We can assist with reviewing your job application forms and GDPR compliance.

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## Candidate Shortlisting

When shortlisting applicants it may be useful to consider having more than one person involved in shortlisting wherever possible. This can then avoid any bias decisions, and mark applications individually before agreeing a final score. It is helpful to agree a marking system in advance and stick to it. Select based on information provided (application form, CV or formal performance assessment reports) on this objective marking system.

By comparing the scores of two different people involved in the shortlisting process, it allows for a more balanced selection for shortlisting candidates. Alternatively, you could ask another manager or director to review the selections made.

Numerous employers now use psychometric testing as part of their selection process (such as DISC) to assist them in understanding the characters involved. Such tests help correlate the candidate's skills and abilities with the job specification.

As part of the shortlisting process, employers are more frequently checking an employee's social media postings to see the type of person they are? Or, to make sure they're not the sort of person who posts negative comments about their current or previous employer?

It's entirely legal to scrutinise social media, but it's not completely without risk. The sort of criticism you might face (if you then don't offer that candidate the job) is that you have considered something which might be discriminatory, for example their strong political views, the fact they might be trying to get pregnant, or health issues which don't have an impact on their ability to do the job.

So, feel free to explore their social media accounts, but just be wary and cautious about what you're considering about them, if you then decide to not offer them the job.

**Employers:** Wherever feasible try and set up some objective marking system to score candidates for shortlisting.

**Contact us:** We can assist with critiquing your application and recruitment process.

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### **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.



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