

Equal Opportunities in Recruitment

A Guide for Employers



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1.0 Introduction

This document is a concise guide for you – the recruiter seeking to offer work experience to students as well as graduate opportunities through the University of Birmingham. Its purpose is to provide valuable information which will ensure equality of opportunity at every stage of your recruitment process.

You may find that some university careers centres will have restrictions on what they will advertise to their students and graduates and it is advisable to check with individual careers centres if you have any queries.

When recruiting UK, EU or International students and/or graduates it is important that your practices are non-discriminatory and fair to all by adhering to the principles underpinning equality of opportunity which are covered in the United Kingdom by the Equality Act 2010. Ensuring you are not discriminating gives you a greater likelihood of recruiting the right person for the job. The Law is clear on matters relating to equality and this Guide is not designed to repeat or replace the Act, but is intended to offer guidance to you on the types of things you should consider in the advertising and recruitment process.

2.0 The Recruitment Process

There are some simple steps you can take to ensure you are advertising correctly and selecting the right candidate for the role.

Job Adverts and Job Descriptions – avoid references to skills or characteristics that either directly or indirectly apply to a particular type of person. Focus on the actual requirements needed to fulfil the role by analysing the specific job taking into consideration the duties involved, responsibilities and competences to ensure you have thought about the purpose of the job, equipment needed, education and experience required.

Shortlisting – avoid bias and stereotyping of applicants and ensure there is consistency. Have at least two people carry out the short listing against a set of predetermined criteria.

Interviewing – Again avoid bias and stereotyping of candidates and ensure consistency by having at least two people carry out the interviewing. Make reasonable adjustments when interviewing a disabled person (also see 'Disability' below). Don't make assumptions based on appearance and avoid asking discriminatory questions such as asking about pregnancy, children or childcare, working on religious days, relationships or marriage which is deemed unlawful.

3.0 Equality Act 2010 – the Law

There are 9 protected characteristics that you should be aware of; these apply irrespective of the size of your organisation or the sector you work in. These are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

3.1 Age

It is unlawful to recruit someone or refuse to recruit someone because of their age. You will need to ensure that any job description or advert does not directly or indirectly limit someone from applying because of their age e.g. you can seek the criteria of “enthusiastic” but not “young and enthusiastic” or for example, ask for qualifications that indirectly suggest someone of a particular age.

3.2 Disability

Focus on what is actually required to fulfil the role, rather than on the type of person you are looking for to avoid discrimination. Ensure your job advert or job description does not discriminate against those with a disability, for example, do not ask for someone with a good telephone manner if the role does not require the person to speak on the telephone as this may discriminate against someone who is deaf. Of course if this is a requirement of the position then it is acceptable to describe the role requirements.

Employers are expected to make *reasonable* adjustments in the work place for someone with a disability. This applies both at the selection and interview stage as well as if they are employed by you. For example, you could conduct your interviews in a room on the ground floor if you know the person being interviewed is in a wheelchair. If you employ a disabled person a reasonable adjustment might mean, as an example, providing a specific type of computer software for someone with dyslexia, fitting an automatic door for someone in a wheelchair or providing an adjustable desk and chair.

Be aware that a disabled person may carry out the role in a different way to other employees but this does not mean they cannot effectively do that role, and may have very adaptable, flexible and problem solving skills you can utilise.

3.3 Gender Reassignment

It is unlawful to discriminate against a person on the grounds that they have undergone, are undergoing or intend to undergo gender reassignment, with limited exceptions in recruitment, for example where the role specifically requires a person to be a particular sex e.g. the role legitimately requires a female care worker.

3.4 Marriage and Civil Partnership

You must treat married applicants and employees and applicants and employees in civil partnerships in the same way as any other applicant or employee. If you select a person who is married or in a civil partnership or a single person with dependents, you may want to consider offering flexible working patterns for example, to assist with child care.

3.5 Pregnancy and Maternity

A woman does not by law have to disclose they are pregnant or on maternity leave when applying for a position. You should employ the best person for the job and not base your decision on whether they are pregnant. Be careful not to ask questions at interview relating to a woman's intention to become pregnant irrespective of her age or marital status.

3.6 Race

It is unlawful for an employer to discriminate against someone on the grounds of race, national origin, ethnic origin, colour and nationality, including citizenship. You would be directly discriminating if you did not employ someone, for example, solely on the basis that they were not white and English (except where there is a legitimate occupational reason). You should also ensure if you are asking for written English that this is a necessary part of the role to avoid indirect discrimination.

It is sometimes acceptable to state a person must be of a particular race or national origin when it is an occupational requirement. For example it may be possible to state someone of Japanese origin is a requirement as waiting staff in a Japanese restaurant so it has an 'authentic' atmosphere. However, you might also want to consider other nationalities who can speak Japanese.

3.7 Religion or Belief

You should not take into account someone's religion or belief (including any religious or philosophical belief), or lack of any religion or belief when considering them for a position. Religion or belief are not defined by law but could cover things like humanism and atheism. If the job is working for an organised religion, you may be able to say that the role requires a person to have or not have a specific protected characteristic or to behave or not behave in a certain way.

3.8 Sex

The position you wish to advertise should be written in such a way that does not specify a person by gender. It is unlawful to ask for female or male only applicants (however see 'Positive Action' below). Look to recruit the right person for the role irrespective of their sex (except where there is a legitimate occupational reason). To avoid indirect discrimination avoid using descriptions that lend themselves to either sex, for example, asking for someone of a certain height or being very strong might indirectly discriminate against women.

3.9 Sexual Orientation

It is unlawful to discriminate against someone based on their sexual orientation, whether that is heterosexual, gay, lesbian or bisexual. You should not make assumptions about a person's sexual orientation but consider only their ability to carry out the role. Ensure there is fair access to your advertisement by not only advertising in newspapers or magazines aimed at, for example, gays and lesbians as this may discriminate against heterosexuals.

4.0 Positive Action

Ensuring you do not discriminate should not be seen as a daunting prospect, you are simply ensuring you employ the best possible person for your position whilst staying within the Law. However, there may be occasions when you want to actively increase the number of applicants from a particular group; this is defined as 'Positive Action'.

Positive action is allowed before or at the application stage to encourage people with different needs or low participation in the past to apply. You may find the demographic of your employees is different to the local area in which you work and you may want to encourage any under-represented groups to apply. In your advertisement you can state that you encourage applicants from a particular sex, or ethnicity as an example.

5.0 National Minimum Wage

Employers are required to pay students and graduates at least the National Minimum Wage (NMW). If you choose not to offer a salary you must ensure the work you are asking is of a purely voluntary nature i.e. there is no contractual agreement either written, verbal or implied, and no obligation to provide work or any obligation to undertake work. If you are a charity, voluntary organisation, associated fundraising body or statutory body you can employ a voluntary worker with an employment contract if they are working in pursuance of your charitable purposes and are therefore exempt from NMW, check out the website in the list below for further details of NMW and its exemptions.

In order to have the best pool of candidates to select from and feel assured that the work will be completed to schedule or executed with diligence it is recommended that you offer at least NMW. Download a copy of Careers Network's Vacancy Advertising terms for further details at <http://www.birmingham.ac.uk/advertise>

6.0 Employing International students or graduates

You can employ students from outside the UK without a National Insurance Number provided they have a visa to work in the UK. You should check their passport or national identity card with their visa and take a photocopy of it for your records.

International undergraduate/graduate students outside the EU cannot work over 20 hours a week but can work for longer during vacation periods. International students on foundation

courses cannot work over 10 hours per week but can work for longer during vacation periods.

You should note that international students cannot be self-employed or act as a professional sports person or entertainer.

7.0 Further Information:

The following links will provide you with more detailed descriptions and information, so that your vacancies comply with UK law and offer fairness to all.

Arts Council England *Internships in the Arts*

http://www.artscouncil.org.uk/media/uploads/internships_in_the_arts_final.pdf

Association of Graduate Careers Advisory Services <http://www.agcas.org.uk>

Business Link – *Prevent Discrimination and Promote Diversity*

<http://www.businesslink.gov.uk/bdotg/action/layer?r.i=1073792192&r.l1=1073858787&r.l2=1073877851&r.l3=1074003268&r.s=m&r.t=RESOURCES&topicId=1074003268>

Business Link – Employment & Skills -

<http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1073858787>

Direct Gov <http://www.direct.gov.uk>

Equality Act 2010 http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf

Equality and Human Rights Commission – Guidance for employers

http://www.equalityhumanrights.com/uploaded_files/EqualityAct/employers_recruitment.pdf

Federation of Small Businesses - <http://www.fsb.org.uk/>

Home Office – Equalities <http://www.homeoffice.gov.uk/equalities/>

National Association of Student Employment Services <http://www.nases.org.uk>

National Minimum Wage

http://www.direct.gov.uk/en/Employment/Employees/TheNationalMinimumWage/DG_10027201

Prospects - best practice in graduate recruitment

http://www.prospects.ac.uk/cms/ShowPage/Home_page/Best_practice_in_graduate_recruitment/p!elfif

UK Border Agency <http://www.ukba.homeoffice.gov.uk/>