



**HR Champions**  
HR & Training Solutions for Growth

# Discrimination in Recruitment

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# Discrimination in Recruitment

To ensure that the best applicant is chosen for the job regardless of sex, race, disability, age or other protected characteristics

- Follow a fair, open and transparent process
- Keep records
- Beware unconscious bias



Equality Act 2010

# Equality Act 2010 – the protected characteristics

Pregnancy /  
Maternity

Gender  
Reassignment

Race

Sex

Disability

Marriage &  
Civil Partnership

Religion or  
Belief

Sexual  
Orientation

Age

# Beware Discrimination. . . . .

- Energetic & dynamic customer service agent



Applicants must have over 10 year's retail experience

French tele-sales executive required

Failure to make reasonable adjustments in psychometric test

Waitresses required– apply within

# Take care . . . . .

**Dr XXXXXXXX**

## Personal Profile

PhD in XXXX with vast experience in research and development, analysis, and taxation. Expert consultant to major players in X and X industries, contributing extensively to strategies related to systems and processes, resulting in organizational growth. Also a maven in financial and client management and now looking for new opportunities to utilise existing skills.

## Disability Disclosure

I have been diagnosed with both Dyspraxia and Autism. Due to my disability, I request a reasonable adjustment in the form of making an oral application. This would be a ten-minute phone call to talk through my relevant experience. I also need the essential criteria in advance so I can prepare. Arrangements for these adjustments should be made directly with me via e-mail or telephone. Due to issues arising from my disability I cannot update my CV for each role, hence having a CV that's longer than average.

# Asking questions re: protected characteristics

- Yes, if .....
- you need to make 'reasonable adjustments' for them
- to complete an equality and diversity monitoring form (anonymous)
- it's crucial for the job (an 'occupational requirement')
- it helps a disadvantaged or under-represented group

# The business case for inclusion & diversity is stronger than ever

Diverse companies are **more likely** to financially outperform their peers

Difference in likelihood of outperformance of 1<sup>st</sup> vs 4<sup>th</sup> quartile<sup>1</sup>



Gender



Ethnicity



15%

2014



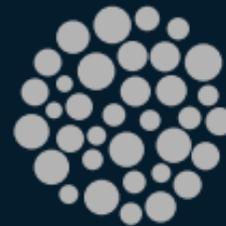
21%

2017



25%

2019



35%

2014



33%

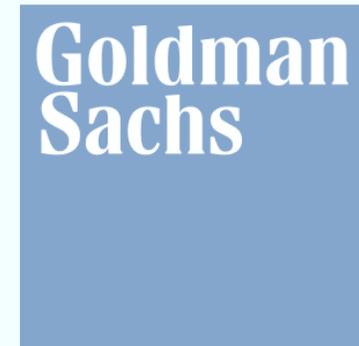
2017



36%

2019

# Positive Action



# Unconscious Bias

“Lookism”  
Beauty  
bias

Halo &  
Horn



Affinity

Candidates with  
minority  
identified names  
received 30-50%  
fewer call backs  
and job offers

Carefully  
consider your  
recruitment  
tools and  
processes.

Increased  
their diversity  
by 41% by  
having diverse  
interview  
panels

# Meet Tengai

[Meet Tengai, the job interview robot who won't judge you - BBC News](#)



- Benefits – candidate pre-qualification and interview scheduling to speed up time to hire and improve candidate experience.
- Challenges - how “human” a chatbot should be and not knowing how candidates will react.

# Noteworthy Case: Raymond Levy v McHale Legal Ltd. July 2019

- Mr Levy only applicant interviewed for Commercial Lawyer role with 5 yrs PQE
- Discussion at interview on salary expectation
- Interview notes – “Expensive. Doesn’t cover all our needs.”
- Mr Levy rejected – requirement for more junior solicitor “with three-to-five years’ PQE”
- Mr Levy subject to age discrimination – met requirements of role, it was only after the interview, McHale changed their requirements
- *Learning: careful with wording, ensure robust case to support your job requirements, be consistent with communication*

# Noteworthy Case: Ryan v SW Ambulance Service. EAT October 2020

- Talent pool – development, retention & succession for senior roles
- Employees permitted to self-nominate – Mrs Ryan did not
- Opportunity available at same grade as Mrs Ryan but open only to TP
- Claimed indirect age discrimination – older ages under represented in TP
- ET found no discrimination as she had not self nominated
- EAT found TP disadvantaged & discriminated against those 55+
- *Learning: clear and fair processes if operate talent pool*

# Hints and Tips

- Self aware of any biases
- “Blind” sift
- Widen your search
- Build & create connections
- Consider technology
- Involve more than one in the recruitment process
- Be open minded