

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

Age

Sexual
Orientation

Beware Discrimination.

- Energetic & dynamic customer service agent



French tele-sales executive required

Failure to make reasonable adjustments in psychometric test

Applicants must have over 10 year's retail experience

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 1st vs 4th quartile¹



Gender



15%

2014



21%

2017



25%

2019



Ethnicity



35%

2014



33%

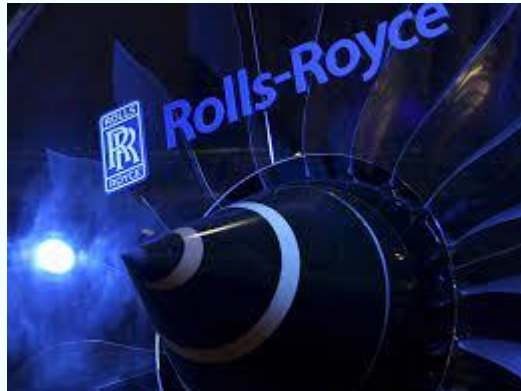
2017



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