



## UNIT-2

## Introduction to UK Employment Laws

### Learning Outcomes

By the end of this unit the learner will be able to:

- ✓ Write a detailed, accurate and clear job description
- ✓ Attract quality candidates for available job vacancies
- ✓ Schedule and conduct professional job interviews

## Unit 2

### Recruiting New Employees

Companies usually take the time to carefully specify their needs before investing in new plant and equipment to ensure that any purchases meet those needs and provide a good return on investment. Because employing people entails a potentially much higher level of investment, a similar level of caution should be exercised.

Employers are required by law to ensure that unlawful discrimination does not occur during the recruitment process, when deciding whether or not to make an offer of employment to a specific applicant, or in the terms of employment offered to the successful applicant. This can include everything from determining the selection criteria to how interviewers interact with candidates.

Discrimination based on sex, pregnancy, maternity leave, married or civil partnership status, gender reassignment, religious or similar philosophical belief, political opinion, race, disability, sexual orientation, or age is prohibited. It's also illegal to treat employees unfairly because they're on a fixed-term or part-time contract. It is recommended that all employees involved in the recruitment process receive equal opportunity training and that this training be provided on a regular basis throughout their employment.

Employers' best strategy is to try to make sure that their hiring procedures are fair and based on the principle of hiring the best person for the job. To assist employers, the Equality Commission has developed Codes of Practice and various guides.

Taking these factors into account, it is well worth the effort to make informed hiring decisions.

The important steps in the procedure are outlined below.

#### **1. Define the Position – Write a Job Description**

The first step in a successful recruitment process is to define the task at hand. The job description should clearly state the job's purpose and objectives, as well as the position of the job holder within the organization's structure, the job's main tasks and responsibilities, and any associated tasks, so that people can decide if it's really what they want to do. If someone is already doing the job, you can observe them or ask them to complete a work diary to learn more about what they do.

It's crucial to think about the "Job Title" and make sure it's gender-neutral because it communicates the role to potential applicants.

### **2. Create a Person Specification by determining what Qualities are required for the Job.**

The person specification follows the job description and determines the knowledge, skills, experience, competencies, and qualifications needed or required to satisfactorily perform all of the job description's duties. Remember that potential for development is important, and that certain skills can be taught when defining the qualities required for the job. Employees will need to update their skills on a regular basis as skill requirements change.

Innate abilities such as the ability and willingness to learn new skills and knowledge, as well as qualities such as a positive attitude, enthusiasm for work, self-discipline, integrity, and initiative, are more difficult for an employer to develop, so they must be considered during the hiring process. In the person specification, avoid using clichés or meaningless or ambiguous terms.

It may be legal in some workplaces to designate certain jobs as being open only to women, men, or people with certain religious beliefs or other equality characteristics. This is a complicated topic, and the Equality Commission should be consulted. The person specification will generate criteria that will be used to select candidates.

According to Equal Opportunity guidelines, objective and strictly job-related criteria should be established at the start of the recruitment process and followed throughout. Each element of the person specification should correspond to a job requirement. This helps avoid discrimination claims by preventing a person specification from becoming a "wish list."

### **3. Attracting Candidates - Prepare a Job Advertisement**

The Equality Commission strongly advises employers to advertise job openings widely in order to attract applications from as many qualified candidates as possible. It's critical to ensure that a sufficiently broad range of potential candidates is reached; for example, recruiting solely through the internet may miss out on older, disabled, or mobile workers, and certain publications may have a more gender or ethnically diverse audience.

Some criteria will be 'Desirable,' meaning they aren't required to do the job well, while others will be 'Essential.' Which is which should be stated at this point.

The wording of job advertisements should be carefully considered, as incorrect wording could lead to unlawful discrimination claims or be used as evidence of a discriminatory culture. Term such as "mature" or "energetic," for example, should be avoided because they may imply that the employer is only looking for candidates who fit a specific age profile.

#### 4. Create a Well-Organized Application Form.

Short-listing and interviewing are made easier for the company by using application forms. They should only ask questions that are required to process the application or determine if the applicant meets the selection criteria. A job-specific application form or an appendix to the application form is beneficial.

This form will include a section asking candidates to demonstrate how they meet the job's requirements, and will need to be customised for each job role. Because a structured application form contains questions related to the specific criteria, candidates must conduct some self-assessment at this stage before submitting an application.

Only those criteria that can be objectively assessed on paper should be addressed in the questions. These are usually qualifications (including a driver's licence if the job requires one) and specific experience. Using tailored application forms ensures that information is organised so you don't have to sift through a CV or make assumptions about whether or not applicants possess the qualities you're looking for. It also means you won't be bombarded with irrelevant information, making short-listing easier.

Candidates should be given application forms in response to their requests, or they should be made available on the company's or another recruitment website. A copy of the job description and person specification should also be provided to applicants. Each application form should be stamped with the date it was received, or the date should be written on a separate piece of paper. After the specified deadline, applications should not be considered.

#### 5. Carry out Short-Listing

When the short-listing criteria require more than a simple yes or no, a short-listing panel of at least two people, preferably of mixed gender and community background, is useful to help mitigate the risk of discrimination claims/bias arising during the process. To ensure consistency of approach, the short-listing and interview panels should ideally consist of the same people. It also allows the panel to discuss candidates who are on the fence.

Before starting the short-listing process, the short-listing panel should go over the criteria to make sure they understand exactly what is required of a candidate to be short-listed. The Qualifications Comparison Service, which is available through the Jobs and Benefits Offices, can assist you in determining whether or not foreign qualifications are equivalent to what you're looking for. It is best practise to ensure that the panel does not have any

personal information about the applicants in order to avoid claims of discrimination or bias during the short-listing process.

Prepare an interview schedule after short-listing, ensuring that each candidate gets enough time. Send letters to all of the candidates who have been short-listed, informing them of the date, time, and location of the interview. Candidates who require special assistance or reasonable accommodations due to a disability should have their contact information included in the letter.

Responding to all applicants is important for the company's reputation, so send letters to candidates who haven't been short-listed yet.

### **6. Schedule and Conduct Interviews - Prepare ahead of Time:**

- Make sure there are two or more panel members (preferably of different genders and backgrounds), as this helps to reduce bias. If someone from outside the organisation has a specific area of expertise that is relevant to the role, it may be beneficial to ask them to assist with interviews. To reduce the risk of unlawful discrimination, ensure that all employees involved in the interview and selection process, as well as any outside individuals who may be involved, have received equality training and interview training.
- The panel should decide ahead of time whether or not to create a reserve list of qualified candidates for appointment, as well as how long the reserve list will last. It is not recommended that a reserve list be kept for more than 12 months.
- Prepare questions based on the criteria and agree with the other panel members on your approach, including who will ask which questions. Questions should also establish whether the job will meet the applicant's requirements, in order to avoid staff turnover among new hires. It's a good idea to ask candidates to describe their ideal job.
- Some criteria are likely to be more important than others. If you decide ahead of time which criteria are the most important and weight them accordingly, you will be able to find the best candidate for the job.
- Some criteria are likely to be more important than others. If you decide ahead of time which criteria are the most important and weight them accordingly, you will be able to find the best candidate for the job.
- Make a record of the interview and a summary of the interview. These should be tailored to the criteria on the person specification that can be assessed at interview (usually experience, which can be further explored, and personal skills), and include an appropriate weighting for each of the criteria, as some will be more important than others.

Criteria can be weighted by assigning a higher number to some (e.g., 10 for some, 15 for others, 20 for others, etc.) or by multiplying the score by two or three. The method of multiplying scores, on the other hand, can result in significant differences in the importance of different criteria.

### **7. Making Accommodations for Candidates who are Disabled**

Wherever possible, the employer should consult with any disabled applicants who have indicated that they may require accommodations to participate in the interview process prior to the interview date. The consultation's goal is to gather information that will help the employer make appropriate reasonable adjustments.

If the employer is unable to consult with the disabled applicants, he or she should consider any information provided in or with the application forms by the applicants that may assist in determining what reasonable adjustments are appropriate. The types of adjustments that must be made will vary depending on the facts of each case, such as the nature of the disabled person's disability, the employer's resources, and the specific disadvantages that must be overcome, but some examples could include

- Giving a disabled applicant more time to give a presentation or respond to questions; or
- Moving the interview to a more accessible location, such as a room on a different floor; or
- Conducting the interview in a different manner, such as over the phone or through a video link; or
- Using a sign language interpreter to conduct the interview

### **8. On the Actual Day:**

- Arrange for a suitable location and practicalities.
- Make sure the panel members can give the interviewee their undivided attention by avoiding interruptions.
- Ensure that the interview follows a structured format that is determined by the core criteria. Each area should be given adequate attention in order to obtain the information you require. After the interview, it's too late to do anything about the gaps. The structure should also include introductions and closings, as well as an explanation of the process both during and after the interview.
- Some criteria will be weighted more heavily than others. Ascertain that each of the criteria's relative weighting has been agreed upon in advance.
- Make every effort to conduct the interview in the least stressful way possible (introduce panel members, comfortable setting, explain process). Rather than

trying to catch candidates off guard, the focus should be on allowing them to demonstrate their abilities.

- Ask all candidates the same questions about the same topics. It's like comparing apples and oranges when it comes to candidates who haven't had the same opportunity to demonstrate their abilities.
- Let the conversation flow naturally. Candidates may provide answers to another question while answering one, and allowing this can make the process appear more natural. Ensure, however, that the candidate is providing all necessary information and that all criteria are met.
- Use the interview to collect data. You won't be able to listen properly if you try to make a decision while the candidate is speaking.
- Instead of evaluating what the candidate says, take notes on what they say, the examples they give, and so on. Make sure you don't write anything that could be construed as discriminatory. After that, use a scoring system with a defined marking scheme to evaluate the findings for consistency.
- Arrange, if necessary, for the copying of any relevant documentation.

### **The Goal of the Questions**

Keep in mind that the purpose of the questions is to gather information that will allow the interviewer to assess the candidate against the job requirements. Ask yourself, "Which of the criteria am I trying to assess with this question?" for each question.

The interview panel's Chairperson should ensure that the panel does not ask any potentially discriminatory questions, such as questions about plans to have children that would not be asked of a male candidate.

Don't be too strict with yourself. The questions are intended to serve as a guide rather than a verbal test with a single set of correct answers.

#### **1. Carry out Evaluation Tests**

In order to demonstrate typing, computer skills, or other technical skills relevant to the role, it may be useful to ask candidates to complete a practical task as part of the interview. You could, for example, ask a salesperson to give a presentation, an accounts clerk to create a spreadsheet, or a joiner, welder, or electrician to complete a practical task related to their job. These tests should only be used if they are required for the position being considered, as a test that is not required can lead to discrimination.

If you do include a task like this, make sure the task and the conditions are the same for all applicants.

Employers should only use tests that have been determined to have no discriminatory impact on any of the statutory grounds for equality.

These tests should not be used as the sole means of evaluation, and all candidates should be informed in advance if they will be used as such. Disabled candidates may require reasonable accommodations.

### **2. Ensure that Applicants have a Positive Experience.**

Remember that during the interview process, candidates are evaluating the company to see if it is the type of place where they would like to work.

They could also be potential customers, so making a good first impression is crucial during the selection process.

### **3. Candidate Selection**

Short-listing, interviews, and tests should all be used to assess the job criteria.

Following the interview, the information gathered should be objectively evaluated.

Once a decision has been made, all candidates should be notified as soon as possible. Requests for feedback should be responded to politely and promptly, whether verbally or in writing. The feedback should focus on the extent to which the candidate met or did not meet the person specification's requirements. The employer should write to the successful candidate, if any, to make an employment offer or to confirm the offer if they have already spoken to them. Also, let the successful candidate know if the job offer is contingent on passing a medical exam and/or providing references.

All stages of the recruitment process must be documented. Keep in mind that these documents will be made public if you are involved in a court case. Job descriptions, person specifications, selection criteria, any written tests, notes from the short-listing process, interview questions, notes from the interview, and minutes from any interview panel discussions or decisions made after the interviews are all documents that should be kept. Even if a typed version exists, all handwritten notes must be kept. It is suggested that these records be kept for a period of 12 months. Information about equal opportunities monitoring should be kept for three years.

### **4. Perform Pre-Employment Background Checks**

To begin, verify the candidate's identity by requesting original copies of documents like a driver's licence or birth certificate. You must make certain that any checks you conduct are not discriminatory. Any job offer should be contingent on the results of pre-employment checks. Some checks, such as references, will be optional, while others, such as their right to work in the UK, will be mandatory.

- **Checking references** - References can be checked during the selection process and can help to inform it. References from a current employer, on the other hand, should only be obtained with the consent of the employee, usually after a conditional job offer has been made.
- **Visiting social media sites** to look at people's online profiles many employers now state that they conduct background checks on applicants before making final hiring decisions. Employers, on the other hand, should think about how this practise fits into a systematic, fair, and objective hiring process. For starters, some applicants may have access to information from such a source while others do not. Second, there is no way to verify this information's accuracy. Furthermore, such a site may contain information about a candidate's religious beliefs or political opinions, family status, or sexual orientation. It may be more difficult to defend a discrimination claim from an unsuccessful candidate if the employer has access to this information. Finally, data protection legislation mandates that individuals be informed about the methods used to collect information about them, and that the information obtained be relevant, adequate, and not excessive for the purpose.
- **Verification of qualifications** - An employer may wish to verify other factual data provided by the employee, such as academic qualifications, in addition to checking references if this has not already been done. For example, the employer may want to see original certificates before making an offer or as a condition of the offer. You can compare international qualifications and skills at the UK National Academic Recognition Information Centre ([www.naric.org.uk](http://www.naric.org.uk)).
- **Checks for Restrictive Covenants** - The employer may also want to confirm that the employee is not bound by any restrictive covenants that would prevent them from taking the job. Employees are prohibited from disclosing or using confidential information, trade secrets, or soliciting or dealing with customers during a specified period after leaving the company, according to restrictive covenants.
- **Health checks** - When good health is important to the job or there are any specific medical requirements, it is reasonable to ask for the completion of a health questionnaire. Any special medical requirements should be specified during the application process. A pre-employment medical check may be necessary for certain jobs with specific physical requirements. The application form should not include questions about a job applicant's health or medical history. Medical examinations should be performed only after a conditional job offer has been made. Medical checks should not be required solely for one gender, age group, or ethnic minority, as all candidates should be treated equally.

- **Convictions on criminal charges** - For certain jobs you may need to check previous criminal convictions. It's important to remember that just because a candidate has declared a criminal conviction doesn't mean he or she is unsuitable for employment.

At this point, an objective risk assessment can be carried out, taking into account the following factors:

- the date of the offence;
- the severity of the offence;
- the frequency with which you offend;
- the circumstances of the offender at the time of the offence;
- job responsibilities;
- the job's level of supervision; and
- applicant's access to customers and clients, among other things

The nature of the offence and its relevance to the job in question will be considered during objective assessments, which will focus on a person's skills, abilities, experience, and qualifications.

In the United Kingdom, you have the right to work. Employers who fail to check the eligibility of applicants to work in the United Kingdom may be subject to a fine of up to £20,000.

The online tool (<https://www.gov.uk/legal-right-work-uk>) provides guidance. It is recommended that you do these checks at the end of the selection process and only on those applicants who have been offered conditional offers of employment.

Citizens of the United Kingdom and citizens of the European Economic Area (EEA) or Switzerland do not require permission to work in the United Kingdom. The Points Based System applies to workers from outside the EEA/Switzerland.

More information about migrant worker employment can be found at [www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk). The immigration status of a person will determine whether they can work in the UK, what type of work they can do, and for how long.

### **5. Make an Offer and Reach an Agreement on a Contract.**

Send out a conditional offer letter that is contingent on satisfactory references and any other necessary background checks.

Following any necessary checks, inform the successful candidate of the start date and time, as well as the person to whom he or she should report. After an offer of employment has been accepted, it is good practise to notify any unsuccessful interviewees in writing as soon as possible.

### 6. Make An Induction Plan.

You want to make sure that once you've hired people with the right skills and attitude, people who are self-motivated, their experiences with the company don't de-motivate them. A well-structured induction programme will aid in:

- Make the new employee feel welcome;
- Assist the new employee in understanding exactly what they are responsible for;
- Ensure that they are aware of the employer's rules, standards, and expectations; and
- Assist them in integrating as fully and quickly as possible.

### 7. Managing New Employee Performance

It is critical that clear expectations are established and communicated to the new employee during induction. Performance against objectives must also be closely monitored so that any failure to meet them can be addressed quickly.

While having a structured set of formal meetings to discuss progress and other issues is recommended, managers should not put off dealing with any issues that arise. It is recommended that employment contracts include a probationary period (e.g., six months) so that the employer can assess the new employee's suitability, capabilities, and reliability. From the start, the length of the probationary period should be made clear to the employee.

### Further Reading:

- ✓ *Recruitment and Selection: Hiring the Right Person* by Myrna Gusdorf, MBA, SPHR
- ✓ *Recruiting, Interviewing, Selecting & Orienting New Employees* by Diane Arthur