

Equality



at work

Understanding procedures

In the country today, government legislation plays a crucial role in the workplace, to protect the employers rights as well as the employees. It has seemed to be forgotten in the hospitality trade to initiate such legislations in the workplace. Discrimination against age whilst recruiting has now approached a time that will lead to being unlawful.

It has now become essential to understand the correct recruitment procedure, a job post should not require applicants to state their age as part of the application. Rather it is necessary to consider the job specifications and identify the purpose, tasks and responsibilities of the role. When considering the kind of person you wish to appoint, you will need to consider whether the standards for experience, personal qualities, and qualifications that you set will be discriminatory on grounds of age (whether older or younger). Words such as ‘energetic’ or ‘mature person’ can be taken to be references to people of a certain age and thus can be indirectly discriminatory.

In the case of Equality Authority v Ryanair, Ryanair’s recruitment practices were scrutinised and found unlawful. It was held that a newspaper advertisement for ‘young and dynamic professional’ was discriminatory, although Ryanair argued that in that context ‘young’ was intended to convey enthusiasm, ambition and ‘dynamism’. The test to be applied was not whether there was an intention to discriminate, but whether the advertisement could be reasonably understood to indicate an intention to exclude the ‘not young’.

It is acceptable to ask for service qualification and experience, but when setting these you should be sure that you have good reasons why you need employees with that level of experience. Even references to qualifications can be deemed indirectly discriminatory, e.g. a requirement that candidates must have at least 5 GCSEs will rule out a large percentage of the working population who left school before GCSEs were introduced.

Therefore when advertising vacancies, it is sensible to use a variety of methods, for example, young people are more likely to use career services, job centres and newspapers, whilst older people may tend to rely on community and business networks.

It is clear that, as with other types of discrimination, customer preference will not be a defence for an employer. Therefore, it would be unlawful to advertise for a young person for a position as a presenter of a children's television programme or an editor of a youth magazine, because you believe that is what the viewers or readers want.

If you use for your recruitment, we have our separate equal opportunities policies and a general approach to diversity to ensure that we operate fairly. You can ask us for an indemnity against any claims of discrimination, or even to agree to our code of conduct, that will minimise risks of discrimination.

As employers you have the right to see file notes from interviews, it is important to keep a record of questions and responses. Remember that this right includes handwritten comments scribbled in the margin of CV's. Whenever possible we use a panel of interviewers, or even for you to be accompanied at the initial interview. If there is a panel we encourage influencing equal opportunities. We further use tracking sheets of applicants that includes their ethnicity and why they are rejected, so consider adding onto this sheet, the different age groups logging success rates. Further our application forms can monitor this by the separate equal opportunities sheet that is (or should be attached) to the application form.

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