



Recruitment Framework

Non-Teaching Posts

TITLE	Recruitment Framework for Non-Teaching Posts		
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LINKS TO OTHER POLICIES, PROCEDURES, GUIDELINES OR PROTOCOLS	<p>This framework applies to the recruitment of all non-teaching staff employed by the Education Authority.</p> <p>The framework sets out the principles which should guide each recruitment process. It is also intended to support compliance with relevant legislation and professional standards of good practice.</p> <p>The framework is linked to EA's 'Recruitment Toolkit' and should be applied in conjunction with the toolkit which contains guidelines on how each stage of a recruitment and selection process should be delivered.</p> <p>This framework does not apply to the appointment of Principals, Vice-Principals and Teachers employed in controlled schools which are covered by the Teaching Appointments Scheme for Controlled Schools.</p>		

CONTENTS

1.0	Introduction	1
2.0	Scope of the Recruitment Framework	1
3.0	Roles and Responsibilities	2
4.0	Values-Based Principles	4
5.0	Advertising Vacancies	5
6.0	Governance	6
7.0	Implementation	8
8.0	Monitoring	10
9.0	Evidence Base	10
10.0	Consultation Process	10
11.0	Equality Statement	10
12.0	Data Protection	10
13.0	Appendices 13.1 Legal Framework	11

KEY ROLE DEFINITIONS

<p>Hiring Manager</p>	<p>The Hiring Manager is the person responsible for creating the Staff Requisition and completing the recruitment activities to fill the vacancy.</p> <p>For EA Corporate recruitment, it is anticipated that the Hiring Manager will be the Line Manager or Service Manager.</p> <p>For Schools, it is recognised that the duties of the Hiring Manager cut across those of the Chair of the Board of Governors (as Chair of the selection panel), and of the Principal (as Secretary to the selection panel).</p>
<p>HR Recruiter</p>	<p>On receipt of the Staff Requisition, the Hiring Manager will be assigned a HR Recruiter to oversee their recruitment exercise, and to advise and guide the Hiring Manager through the recruitment and selection process.</p>
<p>Chairperson</p>	<p>It is anticipated that in most cases the Hiring Manager will fulfil the role of Chair of the selection panel. For Schools, the Chair of the Board of Governors would act as Chair of the selection panel.</p>

1.0 INTRODUCTION

1.1 Background

The Education Authority (EA) fulfils an important role in shaping the future of Northern Ireland. We contribute to this by nurturing, educating, and equipping future generations for the world they will live and work within. Our core purpose is to provide a high quality education for every child and through all aspects of our work, we want to inspire, support and challenge all our children and young people to be the best that they can be.

With these far reaching goals, and with 'Excellence' as one of our core values, it is essential that we recruit and retain the highest calibre of staff to help us deliver on our commitments and make our vision a reality. This Recruitment Framework is firmly anchored by the principle of merit and aims to ensure that we are recruiting the best people to deliver for our children and young people.

The Recruitment Framework is intended to bring consistency in how staff are recruited. It sets a framework for Hiring Managers to work within whilst allowing for a degree of flexibility to enable the organisation to respond appropriately to the demands of its dynamic and complex operating environment.

1.2 Purpose

The framework is designed to ensure that:

- EA meets its obligations in respect of anti-discrimination law and in promoting equality of opportunity under Section 75 of the Northern Ireland Act (1998);
- recruitment and selection decisions are based on merit;
- those involved in managing recruitment and selection processes have a clear structure to work within; and
- there is clear understanding of roles and responsibilities at each stage of the process.

2.0 SCOPE OF THE RECRUITMENT FRAMEWORK

This framework applies to the recruitment of all non-teaching employees across EA directorates, functions and services. It also applies to the recruitment of all school-based support staff employed by EA.

The framework should be read in conjunction with the Recruitment and Selection Toolkit which provides more detailed guidance and templates for each stage of the recruitment and selection process.

This framework does not apply to the appointment of Principals, Vice-Principals and Teachers in controlled schools which are covered by the Teaching Appointments Scheme for Controlled Schools.

3.0 ROLES AND RESPONSIBILITIES

The main responsibilities of the various parties involved in recruitment and selection processes are outlined below. It is possible that the approach could vary, depending on the area of the organisation, the specific circumstances, and the level of support required. The Hiring Manager should seek advice from the Recruitment Service on any changes to the approach set out below and ensure these are agreed in advance by all parties. It is anticipated that these responsibilities will apply to the majority of 'business as usual' recruitment exercises. In some circumstances, these responsibilities and the approach to be followed may vary, for example in respect of regional, cross-directorate or pilot recruitment exercises.

3.1 Responsibilities of the Hiring Manager

- Reviewing, updating or creating vacancy requirements against the future needs of the school, service or function.
- Reviewing or updating any existing job description or creating a new job description.
- Ensuring job evaluation is undertaken to determine the grading of any new role.
- Reviewing, updating or creating the person specification. This is a critical document that informs the whole selection process and on the basis of which selection decisions will be made.
- Ensuring the post exists or is created in the organisational structure.
- Confirming the type and duration of contract to be offered.
- Confirming that funding is in place, that the post does not replace any post suppressed through redundancy and is within the agreed headcount for the school, service or function.
- Securing the necessary approvals from Directorate leadership or Board of Governors.
- Raising the requisition on the recruitment system.
- Identifying panel members and agreeing dates for shortlisting, assessment and interview.
- Organising the booking of rooms and making other logistical arrangements for interviews, including securing any staff required to welcome/support candidates at interview.
- Responding to requests for reasonable adjustments from candidates with disabilities, and liaising with the HR Recruiter to seek advice and ensure these are made in a timely manner.
- Managing and conducting panel shortlisting and recording shortlisting decisions on the recruitment system.
- Creating interview questions and model responses.
- Managing and conducting panel interviews, chairing interview panels and recording selection decisions on the recruitment system.
- Making decisions about any issues arising from pre-employment checks.
- Handling job applicant information in accordance with all relevant Data Protection legislation, and in line with EA's Data Protection Policy and EA's Candidate Privacy Notice for those seeking employment with the EA.

- Advising the HR Recruiter of the agreed start date, following the completion of pre-employment checks.
- Ensuring a transparent and professional approach is adopted with applicants including responding to requests for feedback in line with HR guidance.

3.2 Responsibilities of the Approver

- Reviewing the Hiring Manager's requisition for completeness and accuracy.
- Providing final approval of the requisition on the recruitment system.

3.3 Responsibilities of the HR Recruiter

- Providing advice to Hiring Managers as required at each stage of the recruitment and selection process.
- Quality assuring the job description and person specification and providing advice to the Hiring Manager as required.
- Reviewing the vacancy against any redeployment or reserve lists that may exist.
- Advising on Panel Diversity.
- Ensuring that applicant queries receive an appropriate response throughout each stage of the recruitment and selection process.
- Agreeing the advertising approach with the Hiring Manager.
- Advertising vacancies.
- Tracking and monitoring the progress of recruitment exercises to ensure that work is progressing in line with agreed key performance indicators.
- Advising, and where required, supporting the Hiring Manager in making timely reasonable adjustments for candidates with disabilities.
- Transacting pre-employment checks and liaising with the Hiring Manager on any issues that arise.
- Handling job applicant information in accordance with all relevant Data Protection legislation, and in line with EA's Data Protection Policy and EA's Candidate Privacy Notice for those seeking employment with the EA.
- Advising the Hiring Manager when pre-employment checks are complete.
- Preparing and issuing the contract of employment.
- Coordinating responses to candidate requests.

3.4 Responsibilities of the External Assessor

- Providing the panel with professional and technical advice on the selection process and on the suitability of applicants.
- Assisting the Hiring Manager in setting appropriate selection criteria for the role.
- Supporting the Hiring Manager with preparation for interview including providing advice on appropriate assessments or interview questions.

- Providing advice, at shortlisting and interview, on the candidate’s performance in relation to the selection criteria. This is done to support and inform panel members. The assessor is a non-voting member of the panel.
- Handling job applicant information in accordance with all relevant Data Protection legislation, and in line with EA’s Data Protection Policy and EA’s Candidate Privacy Notice for those seeking employment with the EA.

4.0 VALUES-BASED PRINCIPLES

EA’s Vision, Mission and Values are central to everything we do, and so are the foundation for our recruitment and selection practices. EA’s Values guide the way we work and how we make decisions throughout the course of a recruitment and selection exercise. These are translated into core values-based recruitment principles as follows:

Excellence	<ul style="list-style-type: none"> • Recruitment and selection processes will be conducted professionally and diligently to identify capable, high calibre candidates. • Processes and decisions will consider EA’s corporate values to drive a shared interest in improving outcomes for children and young people and help them be the best they can be. • Recruitment and selection decisions will be based on merit, on the advertised selection criteria and on evidence gathered in the selection process.
Equality	<ul style="list-style-type: none"> • Recruitment practices will promote inclusion and equality of opportunity. • Processes will be demonstrably fair and applied with consistency. • Those involved in recruitment and selection processes and decisions should have received training in equality, anti-discrimination legislation and fair recruitment practice.
Respect	<ul style="list-style-type: none"> • Approaches to recruitment and selection processes will promote and embrace workforce diversity. • Consideration will be given to adapting jobs and ways of working to encourage diverse job applicants and to help build a workforce rich in talent and creativity. • Job opportunities will be advertised as widely as possible to encourage diversity.
Responsibility	<ul style="list-style-type: none"> • Those managing recruitment and selection processes will have the autonomy to run a recruitment and selection process which is flexible and proportionate to the level and requirements of the role.

	<ul style="list-style-type: none"> • Flexibility of approach will not compromise other core recruitment and selection principles or EA’s commitment and obligations in regard to equality and diversity, and data protection. • Recruitment and selection processes will be proportionate, appropriate and relevant for the level and nature of the vacancy.
Openness	<ul style="list-style-type: none"> • Candidates will be provided with reasonable access to information about the job, its requirements and the selection process. • Feedback may be provided to candidates on request, and access to information will be provided in line with relevant legislation. • Hiring Managers are encouraged to have open career development conversations with their team members.
Reflection	<ul style="list-style-type: none"> • Recruitment service delivery and support will be under constant review to ensure organisational needs are being met. • Learning from previous recruitment exercises will inform approaches taken in future exercises. • Practices and processes will evolve and improve to reflect contemporary approaches and best practice.

5.0 ADVERTISING VACANCIES

To promote equality of opportunity and to ensure that EA is attracting the highest calibre of candidates, vacancies will normally be publicly advertised. However, it is recognised that there may be times when an alternative recruitment method will be more appropriate including but not limited to; restructuring, potential redundancy situations, career development or for emergency or short term cover.

6.0 GOVERNANCE

6.1 Panel Protocol for Recruitment to EA Directorates, Services and Functions

Level of Post	Selection Panel*	Voting	Quorum
Level 1 Director	Chief Executive (or their nominee)	Y	3
	Minimum of two Board Members	Y	
	External Assessor	N	
Level 2 Assistant Director	Recruiting Director (or their nominee)	Y	3
	One other Director	Y	
	One Board Member	Y	
	External Assessor (optional)	N	
Level 3 SCP 61 to SCP 7 (ASEO to EO)	Hiring Manager (or their nominee)	Y	3
	Two other employees of an appropriate level	Y	
	External Assessor (optional)	N	
Level 4 SCP 6 (SCO) and below	Hiring Manager (or their nominee)	Y	2
	Preferably two other employees of an appropriate level	Y	

All voting panel members should be at least one grade senior to the grade at which the vacancy exists.

It is recognised that there may be limited circumstances where it is proportionate for panels to proceed with two voting members e.g. entry-level posts or high volume regional recruitments. Advice should be sought from HR before doing so.

For senior posts, it is good practice to include an external assessor. A Hiring Manager may consider appointing an external assessor for any post where specialist/technical knowledge is required and is not readily available to the panel.

As a measure of good practice, Hiring Managers should consider including an employee from a different directorate, function or service on the panel.

Panel members should remain the same throughout each stage of the selection process. Exceptional circumstances may arise where a panel member is unable to attend a selection panel at short notice. In such circumstances, every effort should be made to appoint a suitable replacement, in line with the requirements for panel members as set out in this Recruitment Framework. Where this is not possible, a selection interview may proceed, exceptionally, with a minimum of two voting panel members.

The Recruitment Service will provide direct support to selection panels at Assistant Director-level and above. Direct support may be provided by exception and prior agreement for other panels, where additional support or expertise is requested by the Director or Hiring Manager.

6.2 Panel Protocol for Recruitment to Posts Managed at School Level

In respect of recruitment to posts which have been delegated to the Board of Governors and which are managed at school level, the composition of the panel should be in accordance with the relevant Scheme of Management.

Other than in exceptional circumstances, panel members should remain the same throughout each stage of the selection process.

6.3 Panel Diversity

As far as practical, the selection panel should be comprised of persons of different equality characteristics, in particular gender and community background. It is the responsibility of the Hiring Manager to consider this requirement when identifying panel members. The HR Recruiter can offer advice on this.

6.4 Panel training

Before participating in recruitment and selection processes, panel members must have received appropriate training in recruitment and selection, which includes equality legislation, anti-discrimination and fair recruitment practice.

6.5 Confidentiality

Recruitment and selection processes deal with personal and professional information relating to candidates and with other confidential information relating to the process. Confidentiality must be upheld by everyone involved in recruitment and selection processes; before, during and after appointments have been made. Any breach of confidentiality will be regarded as a serious offence and could result in disciplinary action being taken.

Panel members are responsible for the secure handling and storage of all recruitment documentation while under their custody. Any loss of control over or loss of personal data must be reported in accordance with EA's Data Breach Management Procedure.

These restrictions on information do not refer to information required to be divulged in the course of any legal proceedings emanating from an appointment process.

6.6 Conflict of Interest

Responsibility is placed on every panel member, voting and non-voting, to disclose where a potential conflict of interest may exist.

Panel members must not be involved in any part of a shortlisting or selection process if a relevant family relationship is known to exist between the panel member and the applicant. A relevant family relationship shall be deemed to exist if the applicant is

the husband, wife, partner, civil partner, living together as husband and wife or in a same sex relationship, or if the applicant is the:

- parent or parent in law;
- grandparent or grandparent in law;
- grandson/granddaughter or grandson/granddaughter in law;
- son/daughter or son/daughter in law;
- brother/sister or brother/sister in law;
- uncle or aunt;
- nephew or niece; or
- cousin

of the panel member. Equivalent step or civil partnership relationships to those listed above shall also be deemed as relevant.

It is the responsibility of panel members to disclose any other potential conflicts of interest. A potential conflict of interest may exist where a panel member feels that their knowledge of, or their relationship with, a candidate is such that it could be deemed to compromise their objectivity. This could include, for example, where a commercial relationship exists or where a panel member has agreed to act as a referee for an applicant. Where a potential conflict of interest exists, it is not about satisfying the conscience of the individual. Public perceptions, and also those of other candidates, must be considered.

In such circumstances the panel member may choose to withdraw. Where the panel member has not withdrawn the panel should consider whether the panel member should be required to withdraw in the interest of the integrity of the process.

A record should be maintained of all panel discussions and decisions regarding conflict of interest.

6.7 Canvassing

Where a member of the selection panel has knowledge of any instance of canvassing for the appointment with which the selection panel is concerned, they should declare this knowledge as soon as possible. Any attempt by a candidate to influence a panel member to favour their application (other than through the selection process) will result in the automatic disqualification of the candidate.

7.0 IMPLEMENTATION

This framework is relevant to all EA employees and applicants for non-teaching posts within EA.

7.1 Timescale for implementation

This Framework takes effect from May 2019.

7.2 Barriers to implementation

The main barriers to implementation are outlined below. These will be managed through effective communication, engagement and comprehensive training and support tools for Hiring Managers.

7.2.1 Change in roles and responsibilities

Hiring Managers

The role and responsibilities of hiring managers will develop as a result of the implementation of this new framework. This will involve new ways of working, responsibility for some tasks previously handled by HR and increased autonomy for decision-making in the planning and delivery of recruitment exercises.

Going forward, HR will routinely attend recruitment panels only for senior level posts and specific recruitment pilots/projects. As a result, hiring managers and panel members will require training and tools to enable them to fulfil their responsibilities effectively and compliantly.

HR Recruiter

Implementation of the new framework alongside newly digitalised recruitment processes will significantly change the role of HR Recruiter. Basic administrative tasks will now be delivered by the on-line recruitment system. The Recruiter role will be developed as a professional and value-adding advisor.

Effective implementation of the new roles and ways of working will require an extensive programme of engagement and training of staff in the Recruitment Service and of Hiring Managers.

7.2.2. Compliance and Assurance

The Hiring Manager will be empowered to plan, deliver and make decisions throughout recruitment processes, guided by the principles set out in this document.

The new Framework holds the Hiring Manager and Directorate Approver responsible for ensuring that the necessary funding and approvals are in place for a recruitment to proceed and for decisions made throughout a recruitment process. This will be supported by assurance statements within the new requisition form and by the Recruitment Toolkit.

The Recruitment Service is responsible for ensuring that an effective Recruitment Framework and Toolkit are in place, that effective training is available to Managers and that professional advice and guidance is provided to Managers as required. It is proposed that additional layers of bureaucracy and cross-checking traditionally undertaken by HR will be removed.

It is anticipated that further engagement at CLT will be required in agreeing this proposed approach.

8.0 MONITORING

The effectiveness of this Recruitment Framework will be monitored regularly through:

- On-going tracking and reporting against key performance indicators.
- An annual survey of customers and candidates.
- Monitoring and analysis of complaints.

9.0 EVIDENCE BASE/REFERENCES

The Recruitment Framework for Non-Teaching Posts has been informed by feedback on existing relevant EA policies, by external good recruitment practices, and by external benchmarking. Main reference sources include:

- Code of Procedures on Recruitment and Selection (Staff Commission for Education and Library Boards) June 2004.
- Transitional Recruitment and Selection Guidance (Education Authority)
- A Unified Guide to Promoting Equal Opportunities in Employment (Equality Commission for Northern Ireland)
- Diversity and Inclusion at Work: Facing up to the Business Case (Chartered Institute of Personnel and Development), June 2018.

10.0 CONSULTATION PROCESS

The following groups have been consulted in the development of this framework:

- Trade Unions.
- Recruitment steering group including cross-directorate service managers, school principal and governor representatives.
- Resourcing Service team members.
- Assistant Director Forum.
- HR, Equality and Legal Services Directorate Management and Senior Management Teams.

11.0 EQUALITY STATEMENT

In line with the Authority's duties under Section 75 of the Northern Ireland Act 1998 a screening exercise has been carried out. A copy of the screening template will be available on the EA website: <https://www.eani.org.uk/about-us/equality/equality-screenings>.

12.0 DATA PROTECTION

In line with the Authority's duties under the Data Protection Act 2018 a Data Privacy Impact Assessment (DPIA) screening exercise has been carried out in respect of this framework. A copy of the screening template will be available on the EA website.

13.0 APPENDICES

13.1 Legal Framework

NB: This appendix is not intended as a complete and authoritative statement of the law

13.1.1 Eliminating unlawful discrimination

The anti-discrimination laws in Northern Ireland prohibit discrimination in employment on the grounds of sex; pregnancy and maternity leave; religious belief¹ and political opinion; race; sexual orientation and age. The laws also prohibit discrimination against people who are disabled; people who are married or who are in civil partnerships; and, people who have undergone, are undergoing or who intend to undergo gender reassignment. These anti-discrimination grounds are commonly known as the statutory equality grounds.

This framework is important in supporting EA's endeavours to ensure that it avoids committing acts of unlawful discrimination by implementing employment policies, practices and procedures that promote equality of opportunity. It is underpinned by recognition of the importance for the Authority of equality of opportunity and good relations in the workplace.

13.1.2 Principal Anti-discrimination Laws

A list of the principal anti-discrimination laws which are relevant to employment and a brief description of their respective equality grounds is given below:

Equal Pay Act (NI) 1970, and Sex Discrimination (NI) Order 1976: these laws prohibit discrimination on the grounds of sex; pregnancy and maternity leave; gender reassignment; being married or being a civil partner.

Fair Employment and Treatment (NI) Order 1998: this law prohibits discrimination on the grounds of religious belief and political opinion.

Disability Discrimination Act 1995: this law prohibits discrimination against disabled persons.

¹ The Fair Employment and Treatment Order (NI) 1998 (FETO) prohibits discrimination and harassment on the grounds of religious belief and political opinion. It applies to all employers and employees and all types of employment, including school teaching. Thus, it is unlawful to discriminate against a person who is employed as a school teacher in respect to the terms and conditions of their employment, in their access to opportunities for training or access to other work-related benefits, or by dismissing them or subjecting them to any other detriment. Furthermore, it is unlawful to subject a person employed as a school teacher to sectarian harassment. However, there is also an exception: by virtue of Article 71 of the FETO, it is not unlawful for the employers of school teachers to discriminate on the grounds of religious belief or political opinion in relation to the recruitment of persons as teachers in schools.

Race Relations (NI) Order 1997: this law prohibits discrimination on the grounds of race; colour; ethnic or national origins; nationality; belonging to the Irish Traveller community.

Employment Equality (Sexual Orientation) Regulations (NI) 2003 and Equality Act (Sexual Orientation) Regulations (NI) 2006: these laws prohibit discrimination on the grounds of sexual orientation.

Employment Equality (Age) Regulations (NI) 2006: this law prohibits discrimination on the grounds of age.

Other Relevant Laws:

Education (NI) Act, 2014.

Northern Ireland Act 1998;

Human Rights Act 1998;

Data Protection Act 2018;

General Data Protection Regulation (Regulation (EU) 2016/679);

Law Enforcement Directive (Directive (EU) 2016/680);

Rehabilitation of Offenders (NI) Order 1978;

Rehabilitation of Offenders (Exceptions) Order (NI) 1979;

Protection of Children and Vulnerable Adults (NI) Order 2003;

Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2006;

Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (as amended by the Protection of Freedoms Act 2012);

Immigration, Asylum and Nationality Act 2006; and

Employment Practices Data Protection Code 2011 (ICO).

13.1.3 Statutory Codes

In addition to the statutes above there are a number of Statutory Codes and guidance documents, the contents and status of which are of fundamental importance for anyone dealing with human resource issues. The Statutory Codes do not impose legal obligations on employers; however, an Industrial Tribunal must take into account any provisions of the Codes which are relevant to any question arising in proceedings before the Tribunal.

The employment-related equality codes of practice are:

Fair Employment in Northern Ireland - Code of Practice;

Removing Sex Bias from Recruitment and Selection - Code of Practice;

Code of Practice on Equal Pay;

Code of Practice for Employers for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment;

Disability Code of Practice - Employment and Occupation.

Other employment-related good practice guidance publications are:

Sexual Orientation Discrimination in Northern Ireland - The Law and Good Practice;

Age Discrimination Law in Northern Ireland - A Short Guide for Employers, updated 2011 (Equality Commission for Northern Ireland);

Harassment and Bullying in the Workplace, 2006 (Labour Relations Agency and Equality Commission for Northern Ireland joint publication);

Equal Pay Review Kit (Equality Commission for Northern Ireland);

Recruitment Advertising - A Good Practice Guide for Employers Promoting Equality of Opportunity 2009 (Equality Commission for Northern Ireland);

Recruitment from those not in employment: A good practice Guide for promoting equality of opportunity 2009 (Equality Commission for Northern Ireland); and

A Unified Guide to Promoting Equal Opportunities in Employment May 2016 (Equality Commission for Northern Ireland).

13.1.4 Concepts of Unlawful Discrimination

The laws use terms such as direct discrimination; indirect discrimination; disability-related discrimination; failure to comply with a duty to make reasonable adjustments (i.e. another form of discrimination against disabled people); victimisation and harassment to describe the different types of discriminatory conduct which are prohibited.

When is it unlawful for an employer to discriminate?

The anti-discrimination laws prohibit discrimination in relation to the whole “A to Z” of employment-related activities, from recruitment through to termination of employment, and even beyond (for example, providing job references to former employees). However, to focus specifically on recruitment and selection, it is unlawful for an employer to discriminate against job applicants and employees in the following circumstances.

13.1.5 Discrimination against job applicants: It is unlawful for employers to discriminate against job applicants:

- a) in the arrangements made for determining who will be offered a job;
- b) or by refusing or deliberately omitting to offer a person a job.
- c) in the terms on which the applicant is offered the job

13.1.6 Discrimination against employees

It is unlawful for employers to discriminate against employees:

- a) in their access to opportunities for promotion;
- b) or by subjecting them to any other detriment.
- c) in the terms of employment which it affords to him/her.

13.1.7 Liability for discriminatory actions

Under the anti-discrimination laws, the Board of Governors and the Authority will normally be held legally liable for the discriminatory decisions and actions that their Governors, employees and members make in the course of their employment.

The Board of Governors and the Authority may be able to defend a complaint if they may show that they took reasonably practicable steps to prevent the act, or acts, of discrimination from occurring. This framework and the supporting Recruitment and Selection Toolkit contribute to a series of reasonably practicable steps that the Board of Governors and the Authority are taking for this purpose. This is one of the reasons why Governors, employees and members of the Authority who are involved in recruitment and selection exercises are required to adhere to and follow this framework.

13.1.8 Direct discrimination

This generally occurs where an employer treats a job applicant or employee less favourably than they treat (or, would treat) another person, in the same or similar circumstances, on one or more of the statutory equality grounds. For example, it is direct discrimination to refuse to employ a job applicant because she is a woman, or pregnant; or, because he/she is a Roman Catholic or a Protestant; or, because he/she is an Irish Traveller; or, because he/she is gay or lesbian; or, because he/she is disabled; or, because he/she is of a certain age (e.g. over 60, or under 20).

A recruitment or selection decision that is directly discriminatory will normally be unlawful unless: (a) in an age discrimination case, the decision can be objectively justified, or (b) in any other case, an employer can rely on a statutory exception, such as a genuine occupational requirement exception where the job needs to be done by a person who has a particular characteristic (e.g. the job holder needs to be a woman in order to preserve the decency and privacy of other women who may be undressed).

13.1.9 Indirect discrimination

This generally occurs where an employer applies to all job applicants or employees a particular provision, criterion or practice, but which has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people.

Indirect discrimination might arise in a recruitment situation in the following way: the employer sets and applies a particular job criterion to all job applicants, however, it has the effect of disproportionately excluding or disadvantaging people who are members of a particular equality group. A recruitment or selection decision that is

indirectly discriminatory will normally be unlawful unless the decision (e.g. the job criterion in question) can be objectively justified.

13.1.10 Disability-related discrimination:

This generally occurs where an employer, without lawful justification, and for a reason which relates to a disabled person's disability, treats that person less favourably than the employer treats (or, would treat) other people to whom that reason does not (or, would not) apply.

13.1.11 Failure to comply with a duty to make reasonable adjustments

This is another form of disability discrimination that occurs where an employer is under a duty to make reasonable adjustments for a particular disabled job applicant or employee and fails to comply with it. A failure to comply with the duty cannot be justified and is always unlawful.

An employer will be under a duty to make reasonable adjustments for a particular disabled job applicant or employee if the following conditions apply:

- the disabled person is at a substantial disadvantage compared to persons who are not disabled as a result of:
 - any provision, criterion or practice applied by the employer, or any physical feature of premises occupied by the employer, and
 - the employer knows, or could reasonably be expected to know, that the disabled person is disabled and is suffering that disadvantage, or is likely to.

Where the employer is under the duty, he/she is required to take such steps as are reasonable to take, in all the circumstances of the case, in order to prevent the disabled person from suffering the said disadvantage. In a recruitment exercise, this could mean that the employer may, depending on what is reasonable in the circumstances, have to change or waive particular job selection criteria, or provide assistance to a disabled job applicant to help him/her to participate in a selection test or job interview.

13.1.12 Harassment

Harassment is a form of discrimination that may occur across all or any of the statutory equality grounds. It generally occurs where a job applicant or employee is subjected to unwanted conduct that is related to a statutory equality ground with the purpose, or which has the effect, of violating their dignity or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment.

It is perhaps more likely in practice to occur in the course of employment in a normal workplace setting, but it could also in principle occur during a recruitment and selection exercise as a result of the manner in which a selection panel, or any of its individual members, behave towards a job applicant during the course of an interview (e.g. making sexist, racist or homophobic comments to a job applicant, or making derogatory comments to a pregnant or disabled job applicant). Harassment cannot be justified and is always unlawful.

13.1.13 Victimisation

This generally occurs where an employer treats an employee or job applicant less favourably than he treats (or, would treat) another person, in the same or similar circumstances, because the person has previously exercised their rights under the anti-discrimination laws, or has assisted another person to do so. Victimisation is essentially a form of retaliation (e.g. the employer retaliates against a person who previously made a discrimination allegation against him/her by refusing on that account to offer them a job or a promotion). Victimisation cannot be justified and is always unlawful.