

EQUALITY ACT AND CHANGES AFFECTING RECRUITMENT

The Equality Act 2010 brings together, harmonises and, in some respects, extends existing equality law such as the Sex Discrimination Act and the Disability Discrimination Act.

The Act prevents people from being treated less favourably because they have a protected characteristic. The relevant protected characteristics in employment are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origins, colour and nationality), religion or belief, sex and sexual orientation.

Key Changes Affecting Recruitment

Positive Action - Appointment of under represented groups

The Equality Act allows you to take positive action if you think that employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.

In practice it allows you to make a choice between two or more candidates who are of equal merit to take into consideration whether one is from a group that is disproportionately under-represented or otherwise disadvantaged within the workforce. You should contact your HR Adviser to discuss this before taking this course of action.

Limitations on the use of health related questions during recruitment and selection exercises.

The Equality Act restricts the circumstances in which you can ask questions about a prospective employee's health prior to offering him or her a job or including him or her in a pool or shortlist to be offered work. You can only ask health-related questions for the purposes of:

- deciding whether or not you need to make reasonable adjustments for the person to the selection process
- establishing whether or not the applicant can carry out a function essential to the job
- taking positive action to assist disabled people
- establishing whether or not the applicant has a particular disability that is a requirement for the job; or
- monitoring diversity among people making applications for jobs

Once a person has passed the interview and you have offered them a job you are permitted to ask appropriate health-related questions.

For further information please see the links below:

<http://www.equalities.gov.uk/pdf/Positive%20Action%20step%20by%20step%20guide%20-%20FINAL.pdf>

<http://www.acas.org.uk/CHttpHandler.ashx?id=2833&p=0>

Please contact Human Resources or the Equality and Diversity Unit if you have any questions.