

## BEST PRACTICE IN EMPLOYMENT

### Advertising a Job

Further considerations:

- ▶ . Graduate” can sometimes imply that you want younger candidates, e.g. where an older non-graduate qualification has been replaced by a graduate qualification
- ▶ If certain qualifications are needed, make sure you can objectively justify the need. Are these qualifications still current, are they necessary, are there other ways of specifying the skills-set required for the post?
- ▶ If you do feel you can justify the need for a certain qualification, make clear you will be prepared to consider applicants with similar or equivalent qualifications
- ▶ “Minimum of 5 years experience required” is discriminating against applicants who left full-time education less than 5 years ago, unless you can give an objective justification for the requirement
- ▶ Setting an upper age-limit is now unlawful (unless you can objectively justify it) following the abolition of the default retirement age.

### Application Forms

- ▶ Do not ask applicants for their age or date of birth!
- ▶ Do not ask unnecessary questions about particular periods/dates in applicants’ lives
- ▶ It is good practice to have two forms: the main application form, which concentrates solely on skills, aptitudes, qualifications, knowledge, experience etc. and a monitoring form which asks questions relating to age, ethnicity, disability, gender, sexual orientation, religion and belief, etc.
- ▶ It is good practice to ensure that the main application form is seen only by people involved in the recruitment process, and the monitoring form is seen only by HR personnel involved in producing monitoring statistics. (In the case of small organisations this may not be possible of course.)
- ▶ Ask yourself what other information could possibly lead to discrimination: names, postcodes, etc have all been used to discriminate in the past. But be realistic: – what is reasonable and practicable given the size and structure of your organisation?

## Job Descriptions and Person Specifications – Further Considerations

- ▶ As with advertisements, if specifying that certain qualifications are needed, make sure you can objectively justify the need. Are these qualifications still current, are they necessary, are there other ways of specifying the skills-set required for the post?
- ▶ Make sure you do not refer, explicitly or by implication, to age (or other protected demographic) in the JD and PS
- ▶ Be careful not to ask for x years experience unless you can objectively justify the need, or you will discriminate against younger applicants.

## Short-listing

- ▶ Assuming the application form is well-worded and designed, short-listing personnel will not know applicants' ages unless:
  - ▶ They make reference to them in the information they supply
  - ▶ Their qualifications give some indication that they are of a certain age (e.g. O'Level qualifications)
  - ▶ There are things which may imply to an individual that someone is of a certain age

Ideally more than one person should be involved in short-listing to help ensure objectivity, and minimise the possible unconscious discriminatory effect on one person's assumptions

## Interviews and Job Offers

- ▶ Make sure interviewers are properly trained in objective interviewing techniques and in equality and diversity
- ▶ Interviewers must focus on applicants' competence
- ▶ Interviewers must avoid discriminatory questions or off-the-cuff remarks around age (or other characteristic) such as "Don't you think you're a bit young to apply for this post?" or "How would you feel about managing people older/younger than you?"
- ▶ Do not prepare different questions for different age groups!
- ▶ Where 2 or more applicants show the required competencies, the job should be offered to the one who is the most competent or has the best range of skills.
- ▶ All decisions should be checked for any bias.
- ▶ Records should be kept of all decisions and retained for a minimum of 12 months.

## Ongoing Workforce Considerations

- An Equality and Diversity Policy needs to be in place, and be subjected to regular review with a view to continuous improvement
- All staff need to be made aware of this policy
- All staff should understand the meaning of the terms “discrimination” and harassment”, why they are unacceptable, unlawful and hurtful, and what do if they experience it or witness it
- Relevant staff should be trained in the implications around age in relation to: recruitment and selection, work allocation, performance appraisal, managing disciplinary and grievance issues, etc.

Specific policies in which training will be necessary are listed below:

- Equality and Diversity
- Bullying and Harassment
- Recruitment and retention of staff
- Discipline and Grievance
- Sick Leave
- Holidays and annual leave
- Staff appraisal,
- Staff training and development
- Staff promotions and transfers
- Flexible working
- Use of computers
- Space and ergonomic requirements

All company policies should be regularly reviewed and updated.

## Training and Promotion

- Employers/managers should monitor training and development to ensure that:
  - Everyone is encouraged to participate
  - Training is suitable for all ages
  - No age group is missing out
  - There are no barriers which are inadvertently preventing a particular group such as older workers from participating (e.g. style, location, time)

## Retirement

- Everybody will want or need to retire at some point.
- Age is no longer the driving factor in this.
- If someone aged 65+ wants to carry on working, they have the right to do so on the same grounds as everyone else, i.e. subject to their ability to carry out their job description. If a person of any age can not do that, then performance appraisals are the legal way of addressing the issue, so they have the opportunity to improve if they can. If they cannot improve, the employer can use the company's agreed policies to move towards dismissal.

Workplace discussions are an excellent way of identifying and discussing an individual's future aspirations, regardless of their age. In the case of an older worker, they are especially useful.

- It is good practice to have these workplace discussions annually.
- Workplace discussions are a good way to explore the options available. e.g. reduced hours, flexible working, change of role
- Change of role could involve moving towards mentoring younger colleagues, taking more responsibility for training, etc.
- A typical workplace discussion agenda would include:
  - Performance to date
  - Training and development needs
  - Future plans of the employer
  - Aims and aspirations of the employee
  - Future performance
- The employer will need to strike a balance between potentially allowing all older staff to continue working indefinitely, and giving younger workers the opportunity to develop and gain promotion.
- Flexible working and mentoring schemes are probably the most effective ways of squaring the financial circle and enabling the organisation to offer all workers, regardless of age, the best possible chance to have their future work aspirations met.

## Monitoring Age in the Workplace

- Age Monitoring provides vital data for future improvement, planning etc.
- The simplest solution is to monitor in age bands e.g. 16-21, 22-29, then 30s, 40s, 50s, 60-65 and 65+
- Age monitoring can be used in job applicants, short-lists, appointments, training, promotion, performance appraisal, disciplinary and grievance procedures, and age at which people leave.
- The statistical information gained can help employers to:
  - Identify ongoing problems
  - Plan ahead e.g. if a large number of people are likely to choose to retire around the same time
  - Gather evidence they may need if they wish to objectively justify any age-related issues
  - Provide data they can use in evidence if they are accused of age discrimination
- Staff consultations, attitude surveys, and consultations with unions can also provide useful monitoring data.