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A FAIR GO for job seekers

BEST PRACTICE GUIDELINES
for the Recruitment Industry and Employers

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PART ONE

Why adopt best practice recruitment practices?

THE RIGHT TO A FAIR GO FOR JOB SEEKERS

Access to employment is fundamental to a person's dignity and wellbeing and is a right that all Victorians should enjoy.

People have a right to be appointed to a job if their abilities are best suited to the genuine requirements of the position.

Unfortunately this does not always occur. Job seekers are sometimes excluded from consideration because of preconceptions and assumptions about personal attributes such as their race, age, gender or disability.

Recruitment professionals are ideally situated to help reduce such discriminatory practices. As the conduit between the job seeker and employer, they can play an important role in ensuring everyone receives a fair go in the job market.

Opening up jobs to a wide pool of candidates also represents good management practice for employers. The rewards can include a more productive, creative, multi-skilled workforce.

Both recruitment professionals and employers have legal obligations and responsibilities under the *Equal Opportunity Act 1995 (Vic)* and a range of other Acts.

But they can go further than the minimum requirements of the legislation and develop best practice strategies toward equal opportunity in recruitment.

Going that extra step can help to find the best person for a job. This is good for the individual, the employer, the recruitment industry and ultimately, the community.

ABOUT THESE GUIDELINES

These guidelines help recruiters not only comply with their obligations under Victorian legislation, but also help them achieve the highest standards of anti-discriminatory practices in recruitment.

They are recommendations for best practice and apply to anyone involved in recruiting including:

- Recruitment agents
- HR professionals
- On-line recruitment companies
- Companies hiring out contract workers
- Small businesses or community-based organisations that employ people from time to time.

Follow these guidelines if you:

- Are involved in any aspect of recruitment
- Are committed to a fair and open recruitment process
- Want to ensure compliance with Victorian equal opportunity laws
- Want to go beyond lawful obligations to achieve non-discriminatory practices

You will:

- Enjoy the benefits of following equal opportunity strategies
- Avoid the potential financial, legal and public relations costs of discrimination.
- Become an employer of choice
- Find the best person for a job

WHAT IS CONSIDERED BEST PRACTICE?

Incorporating best practice strategies in recruitment means going further than the minimum requirements under Victorian legislation.

It means adopting an attitude and processes that strive for merit and fairness in all aspects of recruitment.

Individuals involved in recruitment can make a difference by not only adopting a fair attitude themselves, but by encouraging others to do so as well.

For example: If a recruitment agent receives a brief asking for an Asian woman to work in a factory because they are considered to have small, nimble fingers, they should refuse to undertake such a request. However, a best practice response is more than saying no. It involves telling the employer they are acting unlawfully and educating them about the benefits of a fairer and more open process.



THE BENEFITS OF BEST PRACTICE RECRUITMENT

Employers

- Attract the best person for a job in an often competitive labour market
- Are more productive and creative by using the skills and abilities of a diverse workforce
- Link diversity in the workplace to potential markets with a similar diversity
- Develop a better reputation as a fair employer and an employer of choice among talented candidates, valued clients and the public.

Recruitment Agencies

- Attract a wider talent pool of potential applicants
- Attract clients seeking a diverse talent pool who do not want to be exposed to legal action
- Have a competitive edge through being able to better match employers and job seekers
- Develop an improved public image as an equal opportunity compliant organisation

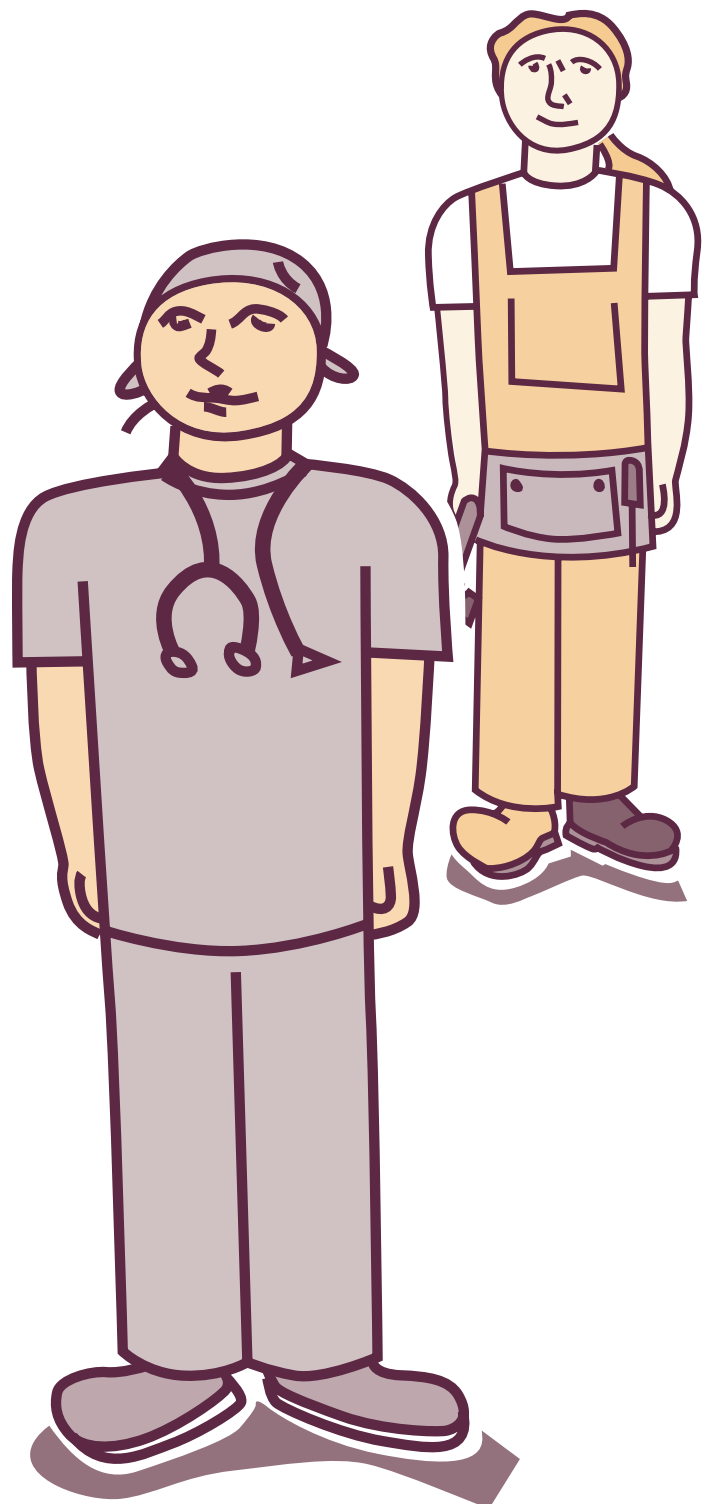
Tip

Making use of the cultural knowledge and language skills of Australia's diverse communities can help expand an organisation's markets nationally and overseas. If an organisation has employees who mirror the population of potential local or international markets, it is more likely to have the language skills, cultural understanding, networks and experience to produce the goods and services that best suit those markets.

THE COST OF DISCRIMINATORY PRACTICES

The downside to ignoring equal opportunity in recruitment can include:

- Potentially damaging court action for discriminatory behaviour
- Legal costs associated with defending a claim
- Loss of reputation through bad publicity and/or word of mouth
- Lost time spent preparing for and attending commission/tribunal hearings
- Lower morale among existing workers



PART TWO

An overview of the law

The *Equal Opportunity Act 1995 (Vic)* requires employers to look beyond stereotypes or assumptions about people and to appoint employees and contractors based on merit.

Each step of the recruitment process should be non-discriminatory, including the job specification, application forms, interview questions, medical examinations, assessment tasks and other personality and aptitude ability tests, reference checks and the final decision.

PROTECTED ATTRIBUTES

It is unlawful to discriminate, either directly or indirectly, against a candidate for an employment position, contract, traineeship or apprenticeship on the basis of:

- Age
- Breastfeeding
- Carer status or parental status
- Impairment
- Gender identity
- Industrial activity
- Lawful sexual activity
- Marital status
- Physical features
- Political belief or activity
- Pregnancy
- Race
- Religious beliefs or activities
- Sex
- Sexual orientation
- Personal association with a person who is identified by any of the above attributes

WHAT IS DISCRIMINATION?

Direct discrimination under the Victorian *Equal Opportunity Act 1995* is when someone is treated less favourably because of an attribute that is protected.

For example: An organisation refuses to employ older workers because it believes they are too set in their ways and are inflexible. This assumption uses unfounded stereotypes about older workers and is direct age discrimination.

Indirect discrimination occurs when a requirement or practice that may not appear unfair, in fact discriminates against people on the basis of a particular characteristic.

For example: An employer advertises a job, saying candidates must be more than 180 cm tall. This excludes most women and people from certain ethnic groups, such as Asians who are often of slighter build. Consequently, this may be indirect discrimination, against women and people of certain ethnic groups, if height is not a reasonable requirement.

WHO IS LIABLE WHEN DISCRIMINATION OCCURS?

Where a party involved in the recruiting process has acted unlawfully, liability can arise in different ways. These include:

1. Authorising and assisting

Any person who requests, instructs, induces, encourages, authorises or assists another person in unlawful discrimination is legally liable.

It is unlawful for an employer to provide a discriminatory brief to a recruitment agency. It is also unlawful for the recruitment agency to promote a discriminatory selection process. Consequently, both an employer and a recruitment agency, depending on the circumstances, can be held to have authorised and assisted discrimination.

2. Vicarious liability

Vicarious liability requires it to be established that the breach of the law occurred while the recruitment agency was formally acting on behalf of, or as an agent of, the employer. Both the recruitment agency and the employer client can be legally liable if the recruitment agent breaks the law by pursuing a discriminatory brief.

However, the employer may be successful in arguing they should not be found vicariously liable for the actions of the recruitment agent if:

- They can show they took reasonable precautions to prevent the unlawful behaviour
- The agent acted against the employer's specific instructions.

3. Individual liability

An individual — whether they be an employee of a recruitment agency or a human resources professional in a company — can be legally liable if they are responsible for unlawful discrimination. A complaint can be made against the individual and the employer.

If discrimination occurs in the recruitment process, the individuals responsible for the recruitment process, the employer and the recruitment agent could all potentially be liable under some circumstances.

For example: Donna, a mother of a two-year-old son, applies through an employment agency for an administrative position with XYZ Company. The human resources employee of the company tells the employment agency they do not want to employ any women with children because they will be unreliable, having to stay home when the children get sick.

The employment agency complies with the request, and does not forward Donna's application.

Donna has been unlawfully discriminated against because of her parental status and gender.

The employment agency is liable because it assisted the XYZ Company to unlawfully discriminate; the XYZ Company is liable because it requested the unlawful discrimination; and the employees from the agency and the company who were involved in the process could also be liable.

Tip

It is not enough for a business or organisation to have good written policies on equal opportunity recruitment. They must be communicated to and understood by the employees responsible for hiring staff.

CAN IT BE ACCEPTABLE TO DISCRIMINATE FROM A BEST PRACTICE VIEWPOINT?

Under certain circumstances, it is lawful to discriminate in favour of a particular group of people when recruiting, but this approach should be taken after careful consideration of whether it is appropriate.

Employers should strive to follow the best practice objectives at all times and only apply exemptions if absolutely necessary.

For instance an exemption can be given by the Victorian Civil and Administrative Appeal Tribunal to allow employment of people from a particular group such as:

- The selection of a person of non-English speaking background (NESB) to work in a position with a focus on service delivery for NESB people
- The selection of women only to work with victims/survivors of domestic violence in women's refuges.

An employer can lawfully target a particular type of person if the job has a genuine occupational requirement including:

- Preserving decency and privacy such as in fitting clothing, body searching or entering toilets
- Achieving credibility in a dramatic or artistic performance, photographic or modelling work

For more information on exceptions see the *Equal Opportunity Act 1995 (Vic)*.

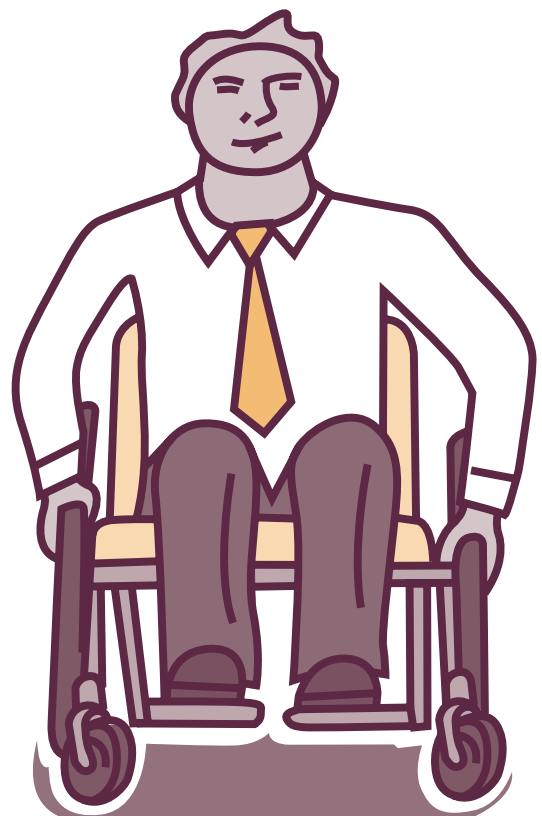
FEDERAL LAWS

As well as the Victorian *Equal Opportunity Act 1995*, there are federal laws that impact on equal opportunity obligations that need to be taken into account.

For instance, Australian employers (other than public entities) are potentially liable under the federal *Sex Discrimination Act (1984)* which applies to all recruitment processes and prohibits discrimination on the grounds of sex, marital status, pregnancy and or potential pregnancy.

Other relevant federal legislation is the *Racial Discrimination Act 1975*, the *Disability Discrimination Act 1992* and the *Age Discrimination Act 2004*.

To find out more about federal laws, follow the links on the Human Rights and Equal Opportunity Commission website: www.hreoc.gov.au



PART THREE

Best Practice Recruitment Step-by-Step

STEP ONE - THE EMPLOYER

Deciding on the recruitment process

Employers go about recruiting in a number of different ways. They can hire a recruitment agent to shortlist candidates, advertise with an on-line search company, or use an in-house human resources professional.

Whichever method is chosen, they should ensure all people involved in recruitment are aware of best practice procedures and are dedicated to a fair process.

Employers should also be prepared to be flexible to accommodate candidates with different needs. For example, not everyone has access to jobs advertised solely on the internet and telephone interviews can discriminate against the hearing impaired.

Checklist

- If using a recruitment agent, only use one that agrees to be non-discriminatory and demonstrates an understanding of what this means.
- If HR professionals are in charge of recruiting, ensure they are familiar with best practice guidelines and obligations under EO laws.

Tip

Develop comprehensive written recruitment policies which clearly outline your organisation's approach to fair recruitment processes. These should include centralised checks for compliance throughout the process.

STEP ONE - THE RECRUITMENT AGENT

Receiving a Job Order Form

When taking details from an employer about a vacant position, focus on the genuine job requirements.

The job order form should list the skills, abilities and experience that the employer is looking for, rather than the type of person that is not wanted.

Achieving a fair brief:

- Discuss discriminatory practices with the employer. Remind them of their lawful obligations and if they do not change their attitude, cease working with them.
- Provide employers with information about what can and cannot be included in a job brief when forwarding details about job seekers
- If an employer does not appear to understand equal opportunity laws, provide them with relevant literature.
- Focus on a fair outcome, which may require, depending on candidates, an adjusted selection process to take account of different cultural backgrounds or disability.
- Put forward the best people for the job, even if they do not meet the personal profile requested by employers, and explain why they should be considered.
- Ensure all recruitment consultants are trained in how to deal with unlawful requests for certain types of candidates.

STEP TWO - CREATING A JOB SPECIFICATION

Before advertising a position, clearly establish what mix of skills and experience are required.

Careful consideration of the job specification wording is important in avoiding an unfair job selection process and in gaining access to a broad selection of candidates.

The job specification should:

- State the purpose of the job
- Outline the duties that need to be performed
- Detail the essential qualifications, experience, knowledge and skills required
- Distinguish between essential selection criteria that the person must satisfy, and desirable criteria that will help them do the job. Ranking the criteria in order of importance will help separate the very good from the good applicants
- Be specific about requirements. For example, do communication skills refer to talking on the phone to customers, writing reports, instructing technical operators or teamwork?
- Detail restrictions or conditions that apply such as working overtime or needing a car
- Avoid indirect discrimination against a particular group of people
- Not refer to individual attributes that are irrelevant to the position
- State who the successful candidate would report to and who would report to them
- Be written in clear plain English
- Be translated into other languages and published in different formats, such as a tape recording or large print, if appropriate.

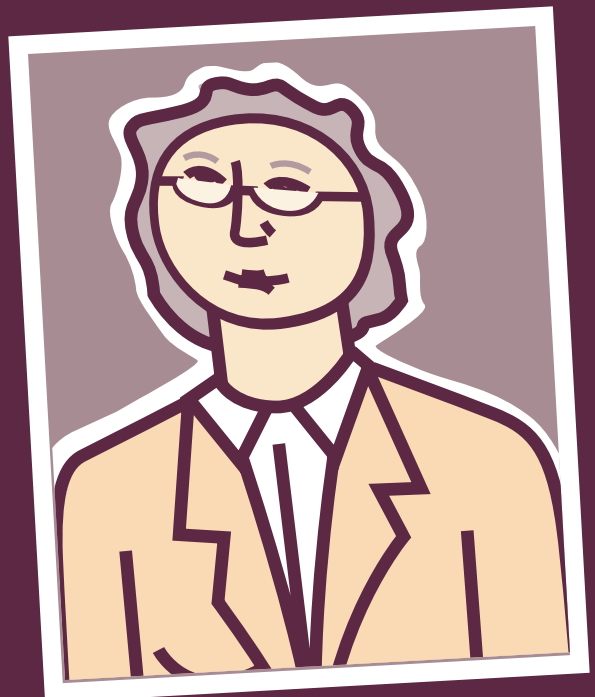
Tip

Do not overstate non-essential qualifications as this can eliminate good applicants at the very beginning of the process.

Use of photographs

Asking applicants to provide photographs could constitute a request for discriminatory information. It can be argued a photograph provides the person making the decision with information (about race, age and physical features) which has no bearing on an applicant's ability to perform a job.

Exceptions exist, such as employers seeking models or actors with a particular look. The onus is on the employer to show that requests for photographs are reasonable and will not involve or lead to discrimination.



To spread the recruitment net as widely as possible, ask:

- Are formal qualifications (academic, trade etc) essential to the performance of the job or would someone with on-the-job experience bring similar or even greater benefits to the business?
- Does the person need previous experience in a similar role or are there transferable skills from other roles that would enable someone to succeed in the job?
- Does the position description exclude some people from the job because of assumptions about the type of person who would best suit the role or does it encourage many different people to apply?
- Does the job description include criteria that may be harder for some people, such as non-English speaking backgrounds, to comply with?

Tip

Be on the look out for indirect discrimination. Don't set an unreasonable requirement that appears neutral but could disadvantage people with an attribute that is protected under EO laws.

STEP THREE - ADVERTISING THE POSITION

A job advertisement is a key opportunity to attract the best people to apply for a position.

It is in the employers' best interests to cast the net as widely as possible. To achieve this, focus exclusively on the genuine skills and abilities required for the job and list these in the job advertisement.

A job advertisement should:

- Contain information about the position, including the skills and abilities required, which matches the job specification
- Avoid any reference to race, religion, marital/parent status or any other personal characteristic unless it is part of the genuine requirements of the job or there is an exemption



For example: An advertisement stating “Security Officer — couple wanted to live in a flat adjoining the premises” can be discriminatory on the basis of marital status because being in a couple is not an inherent requirement of the security officer’s job.

To open the position to as many suitable candidates as possible, consider:

- Advertising internally and externally
- Using ethnic media, community groups, professional and trade journals, etc
- Using community noticeboards, local newspapers, sporting and service club newsletters
- Word of mouth. Talk to business associates, staff and friends.

Check the advertisement for wording that is restrictive. For example:

Instead of	Use
Junior	Seeking experience
Senior or Mature Person	Responsible, able to work unsupervised
Office junior	Office assistant
Five years experience	Demonstrated ability
Cleaning Lady	Cleaner
Workman	Worker
Girl Friday	Personal Office Assistant
Foreman	Supervisor

Discriminatory advertising: what the law says

It is an offence to publish or authorise the publication of advertisements which could be understood to be discriminatory.

Job advertisements should be written in such a way that they do not discourage some people from applying.

An advertisement includes a notice, sign, billboard, label, circular, display and classified advertisements and on-line advertisements. It can be handwritten, printed, screened or broadcast.

Anyone can bring a discriminatory advertisement to the attention of Equal Opportunity Commission Victoria whether they are directly affected or not.

The Commission can prosecute the matter at the Magistrates Court and if the advertisement is found to be discriminatory, the employer may be fined up to \$2000.

Job Advertisement Checklist:

- Does it detail the skills and abilities required as per the job specification?
- Does it avoid any reference to irrelevant personal characteristics?
- Does it avoid language that could directly or indirectly discriminate?
- Is it being broadly disseminated to cast the net as widely as possible?

Tip

Consider asking all candidates to directly address the listed criteria in their written application. This will help compare all the applications and is more likely to show who can really do the job than comparing resumes.

STEP FOUR - SHORT LISTING CANDIDATES FOR INTERVIEW

Preparation and an open mind to the range of suitable candidates will help find the best person for a job. Many people feel more comfortable selecting candidates who are similar to themselves or to the people who previously held the job. But selecting candidates to interview based on personal biases and stereotypes can severely limit the skills, experiences and knowledge available to a business.

What in-house employers can do:

- Tell the selection panel that the company or organisation is serious about selecting the best person for the job based on skills and experience rather than personal characteristics
- Shortlist against the selection criteria, matching skill, ability and experience with the job requirements
- Ignore personal information that is irrelevant to the job. Consider masking out any personal details, so the focus is solely on the skills and experience of applicants
- Don't make assumptions about candidates' qualifications or use 'gut instinct'
- Seek more information from candidates if necessary.

What recruiting agents can do:

- Meet job applicants personally before referring them to positions
- Only forward details relevant to the genuine job requirements to the employer
- Do not recommend a person for a position in which they do not have the skills. Instead, encourage the job seeker to upgrade their skills
- Build relationships of trust with employers, and be in a position to accurately match the needs of the industry with the interests of the job seeker
- Treat everyone with the same respect and courtesy, regardless of their personal characteristics
- Do not automatically streamline people away from jobs on the basis of personal characteristics. For instance, don't presume a female will fail to secure a position in a male-dominated workplace environment
- Encourage job seekers with a disability not to refer to a diagnosis but to how the disability affects them and what strategies they have in place to deal with the consequences of the disability. At the same time, always discuss the skills they have to offer
- Ensure job seekers are aware of their rights and responsibilities in relation to the employment and where to get help if they need it.

Tip

Make sure everyone involved in recruitment receives adequate skills training in recruitment procedures. Procedures and training should reinforce the fact that there is to be no unlawful discrimination or harassment in the workplace.

Tip

Select an appropriate venue for the interview. It should have disability access and should be held in a non-threatening environment. Check if any candidates have specific requirements such as an interpreter.

Employing People with Disabilities

Under the *Victorian Equal Opportunity Act 1995*, it is unlawful to treat someone unfairly because of a past or present disability or impairment that is actual or assumed. This includes total or partial loss of bodily function or part of the body, conditions such as HIV or Hepatitis C, disfigurement or malformation, and mental or psychological diseases or disorders.

A person with a disability or impairment, who is otherwise the best person for the job, must be employed as long as they can carry out the essential requirements of the job.

An organisation must provide any facilities and services needed to enable a person with a disability to do a particular job unless this would cause unjustifiable hardship. For example, it could provide aids, workplace adjustments, or changes to work hours or the way in which a job is done.

An employer considering a candidate with a disability should:

- Take into account their ability to perform the essential requirements of the job rather than whether they can perform the non-essential (desirable) requirements as well as, or better than, other applicants
- Be sensitive to the needs of people with disabilities and talk to them about their needs, rather than making assumptions
- If necessary, look at different ways of doing the job to take into account the person's particular disability.



STEP FIVE - INTERVIEWING APPLICANTS

The interview panel

An interview panel should be composed of people who have a good grasp of equal opportunity principles and who understand the importance of asking only job-related questions. Consider using an interview panel comprising people:

- from diverse backgrounds,
- who have a good range of skills relevant to recruitment; and
- with a knowledge of the requirements of the job being filled.

The questions

To ensure a consistent and fair approach, prepare a list of non-discriminatory questions that relate to the job requirements and only ask those. Allow candidates time to make their point and ask follow up questions, if necessary, about their initial answers. To help with the final selection, the panel should develop a scoring system based on the key selection criteria.

It is against the law to ask personal information about attributes such as a person's age, marital status or parental status and then refuse them a job because of their answer.

Tip

Take the time to get to know the individual candidates, rather than basing decisions on personal views about what people with a particular attribute, such as race, age or gender, can do.

Generally avoid asking questions that are presumed to be relevant only to certain people, for example to women and not to men, or are an invasion of privacy. For example, it is incorrect to assume that female applicants cannot work outside normal office hours because of presumed family duties. Applicants can be asked whether they can fulfil job requirements — such as travel, overtime, perform the physical functions — but these must be asked of all applicants.

For example: Rebecca, an architect and mother of three young children, applies for a position which involves a great deal of responsibility. In the interview, the managing partner asks her about her child care arrangements and whether she takes time off work to look after her children when they are sick. He also asks Rebecca whether she intends to have more children.

Rather than asking about her flexibility and ability to commit fully to the position, the managing partner has asked prying, irrelevant questions about Rebecca's marital and parental status.

If he relies on this information in determining not to offer her the job, Rebecca may lodge a complaint alleging discrimination on the basis of marital and parental status.

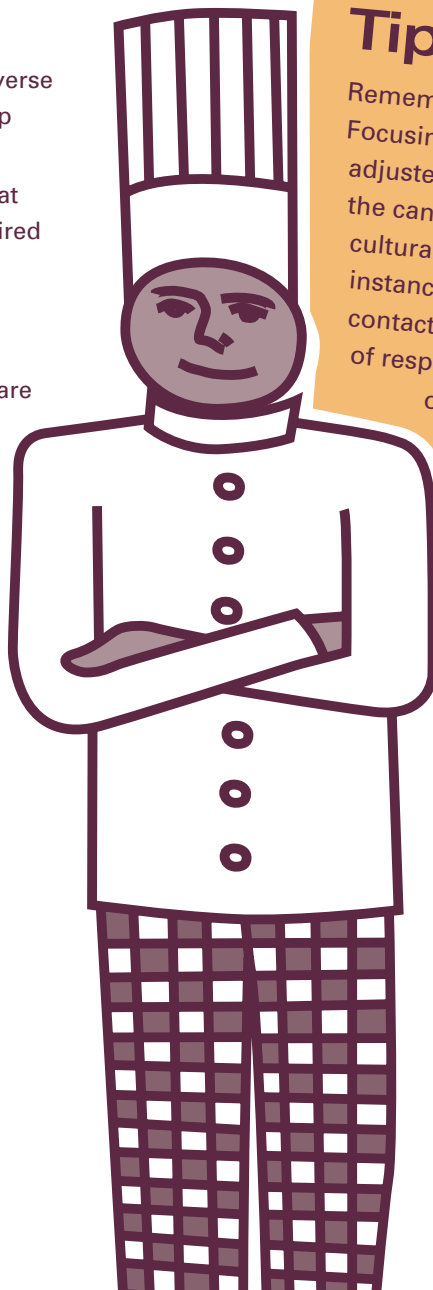
Tip

Record the questions asked and the relevant answers given. Keep documentation throughout the recruitment process.

Instead of	Ask
Have you been on WorkCover?	This job requires heavy lifting/sitting at a computer terminal. Are you able to do that without threatening the health and safety of yourself or others?
What are your child care arrangements?	This job requires travel interstate? Are you able to spend time away from home?
Are you planning to retire in the next few years?	Where do you see yourself in five years time?
Do you intend to have a family?	Can you commit to the organisation for two years?

A fair interview process will involve:

- An interview panel made up of diverse individuals who have a good grasp equal opportunity principles
- Questions prepared in advance that relate to the skills and ability required
- All candidates being asked the same questions, with follow up questions if needed
- Avoiding personal questions that are irrelevant to the job requirements
- Only recording information that is relevant despite any other information that may be volunteered
- Using a scoring system that focuses on the genuine requirements of the job



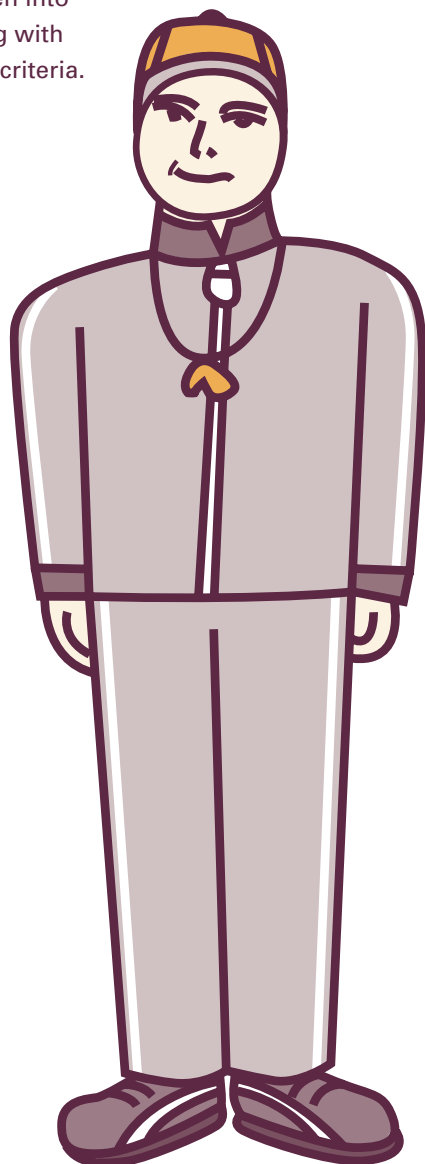
Tip

Remember that not everybody is the same. Focusing on a fair outcome may require an adjusted selection process, depending on the candidate, to take into account different cultural backgrounds or disability. For instance, a person who doesn't make eye contact may be showing the appropriate level of respect or courtesy within their culture, as opposed to being shifty.

STEP SIX - TESTING APPLICANTS

Skills Tests

Consider the value of skills tests. Ensure tests are relevant to the job, are non-discriminatory, and that equipment or other needs of applicants with disabilities are taken into account. Skills tests should apply only to the genuine requirements of the job and the results taken into consideration along with the other selection criteria.



Medical Screening

Pre-employment medicals must be job-related and assess an applicant's fitness for the particular employment, not their general state of health.

Employers should inform the doctor conducting the medical examination precisely what type of work the job candidate would have to do.

The medical tests and questioning should only relate to those aspects of the applicant's health that are strictly job related and confined to its genuine requirements. Questions should also avoid invasions of privacy.

After the results come through, advise applicants of the outcome and ensure strict confidentiality is maintained.

For example: Kyle is refused a job as a security guard on the sole basis of his myopia detected during the course of a medical examination. He was not permitted to wear his contact lenses during the eye test. When wearing these, he has perfect vision. Kyle should be allowed to wear his lenses during the medical testing. Also, tests should not be used to exclude vision impaired applicants who could do the job using glasses or contact lenses.

For example: A man complains to Equal Opportunity Commission Victoria that a small cataract in one eye is the reason he was not selected as an outdoor worker with a statutory corporation. After investigation by the commission, the employer agrees to change its criteria for selection so it realistically reflects the actual duties. The man is accepted as a recruit because his cataract does not affect his ability to efficiently carry out the required work.

Job Candidates with an Injury or Impairment

It is generally unlawful to ask job applicants whether they have ever made a workers' compensation claim, how many days sick leave they took in the previous year, or other questions about health conditions they may have that do not relate to the capacities required to perform the job applied for.

An employer who wishes to ascertain the physical and mental capability of a prospective employee to carry out the genuine requirements of a position should:

- Outline the requirements, and
- Ask whether the prospective employee is aware of any reason why she or he could

not carry them out or whether they have any injuries that may be affected by the employment.

Example: A timber yard refuses to employ a person because they have previously made a WorkCover claim. The employer is directly discriminating against the potential employee by either assuming the person still has the disability or is more likely to be injured at work. The discrimination is unlawful unless an exception applies, such as to protect people's health or safety.

What the law says about medical tests

An employer cannot refuse to employ a person on the basis of a medical examination that discloses a disability or impairment which is unrelated to adequate performance of the job.

An employer can be legally liable for a discriminatory decision made by a doctor acting as their agent.

For example: Generally, no-one is obliged to disclose their HIV/AIDS status or hepatitis status or be required to take an antibody test. Employers should ensure safe work practices to prevent occupational transmission of infectious diseases, rather than unlawfully excluding people because of their status. Employees have a right to a safe working environment and to accurate information on HIV transmission, but they do not have the right to know the HIV status of co-workers.

Aptitude Tests

Aptitude tests, also referred to as psychological or psychometric tests, must be designed to specifically relate to the genuine and reasonable requirements of the job.

These tests should only be used to assess an applicant's aptitude or suitability for a position based on the key selection criteria. Other information obtained from the tests about a person's private life or personality should not be used when making a decision about an applicant's suitability. Tests should also be adjusted to accommodate the needs of people with a disability or people from different cultural backgrounds.

It is important that the test is developed, delivered and the results interpreted by someone with appropriate training, expertise and experience. An employer can be legally liable for a discriminatory action of an external consultant conducting aptitude tests.

Employers should discuss the role of the job with the person designing the aptitude test, to explain the inherent requirements of the position.

Before the test is undertaken, employers should seek an explanation from the test designer about the relevance of specific tests to the identified competencies being sought.

The test designer should also be informed of any personal characteristics of job candidates that need to be 'factored' in such as if they have a disability or speak English as a second language.

Finally, the test results should be considered in conjunction with other parts of the recruitment process such as interviews and referee checks, when determining the final outcome. Ensure strict confidentiality is maintained in relation to the results.

STEP SEVEN - USE OF REFEREES

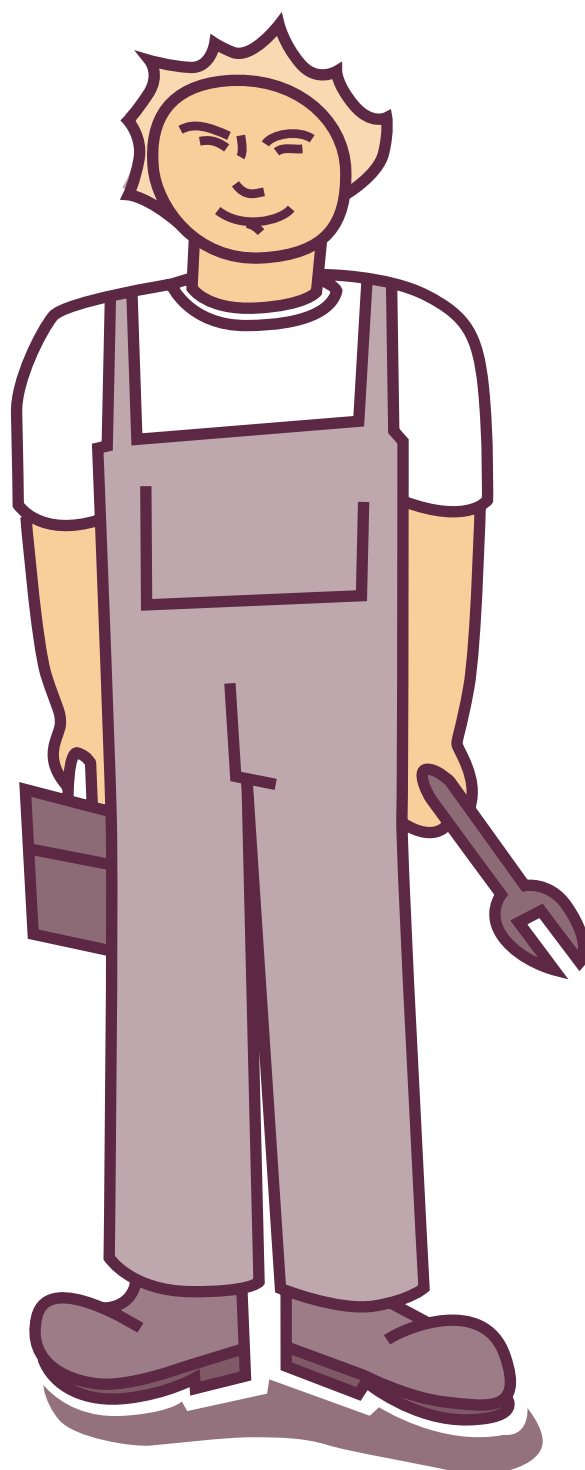
Check references when you have already formed an opinion, such as after the interview.

When speaking to referees, ask them how they think the person meets the job selection criteria. Avoid questions that are of a personal nature and are irrelevant to the job's requirements.

Take a consistent approach, ideally using a standard referee reporting form that matches the selection criteria.

Tip

Job seekers put varying degrees of detailed information on their resumes. If irrelevant personal information is contained, do not rely on it when making a decision about employment.



STEP EIGHT - AWARDING THE JOB

It is time to put the equal opportunity practices into action and to select the best person for the job based on their skills and expertise, and disregarding assumptions and irrelevant personal characteristics.

To select the best-suited candidate:

- Focus on the selection criteria and how the candidates' skills and experience match these
- Rank applicants according to performance against the essential and desirable job requirements
- Assess all the information obtained — the application form, resume, interview, referees, reports, tests etc

- Set aside preconceptions and assumptions in relation to personal characteristics
- Ignore any irrelevant details in relation to personal characteristics such as age or gender
- Select the person who is best suited to the job's requirements
- Record the decision and the reasoning behind it. Ensure the process is confidential.

Common stereotypes that should be avoided:

- Women can't lift as much as men
- People from some racial/ethnic/age groups are a problem
- Someone with a disability won't be able to meet the job requirements
- It is too risky to employ a gay person – what about HIV/AIDS?
- Single people are more likely to move on
- We would never employ someone in a relationship with an employee of a rival company
- It wouldn't work. They would be the only one (eg. woman or person of a particular age/race)
- Too young and they are unreliable, too old and they are impossible to train.

Tip

If requested, provide constructive feedback to unsuccessful applicants on their performance against the selection criteria. If you refuse to talk to unsuccessful applicants, or refuse to give them adequate information, they may assume you are hiding something and then lodge a discrimination claim against you.

Best Practice Recruiting Checklist

The attitude of recruiters plays a significant role in the outcome.

A fair result can be achieved if you make a concerted effort to:

- Be consistent and fair in the treatment of candidates
- Focus on the genuine and essential requirements of the position
- Set aside prejudices, assumptions and stereotypes
- Disregard information about candidate's irrelevant personal attributes
- Accommodate people with special needs
- Cast the net as widely as possible to attract a diverse pool of candidates
- Educate others about best practice in recruitment and equal opportunity.



PART FOUR

Further Information

Equal Opportunity Commission Victoria

3/380 Lonsdale St
Melbourne Victoria 3000
Australia

Advice Line 03 9281 7100
Phone 03 9281 7111
Fax 03 9281 7171
Toll Free 1800 134 142 (country callers)
TTY 03 9281 7110
Email eoc@vicnet.net.au
Website www.eoc.vic.gov.au

The commission deals with complaints of discrimination under the *Victorian Equal Opportunity Act 1995*, and the *Racial and Religious Tolerance Act 2001*.

Services offered by the Commission include:

- A free telephone advice line
- Information about discrimination and equal opportunity laws
- Regular workshops covering many aspects of equal opportunity rights and responsibilities
- A consultancy service and education tailored to the needs of specific workplaces
- Information covering all aspects of equal opportunity rights and responsibilities

Human Rights and Equal Opportunity Commission (HREOC)

Level 8/Piccadilly Tower
133 Castlereagh Street,
Sydney, NSW, 2000

Complaints Infoline 1300 656 419
Privacy Hotline 1300 363 992
Phone 02 9284 9600

General enquiries and publications

Phone 1300 369 711
TTY 1800 620 241
Email complaintsinfo@humanrights.gov.au
for information on lodging or responding to a complaint.

Website www.hreoc.gov.au

Services: Deals with complaints under the following Commonwealth Acts:

- *Human Rights and Equal Opportunity Commission Act 1986*
- *Privacy Act 1988*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Disability Discrimination Act 1992*



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An independent statutory body
accountable to the Victorian Parliament

www.eoc.vic.gov.au