



# Recruitment and Selection Guidelines

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## Section 1 – Legal Considerations

The Equality Acts 1998-2004 apply to all employees and agency workers in both the public and private sectors. Workers in vocational training bodies, trade unions and professional and trade associations are also covered by the Equality Acts. Aspects of the employment relationship that are covered include advertising and recruitment, training, terms and conditions of employment (including pay), promotion and dismissal.

The interview process is subject to numerous employment laws designed to protect applicants and ensure them a fair shot in the selection process. You cannot ask questions about any of the 9 grounds of discrimination outlined in the Employment Equality Acts, 1998-2004, namely: age, disability, gender, sexual orientation, family status, marital status, race, religion, membership of the travelling community.

### Liability of Employers

According to the Office of the Director of Equality Investigations, a significant proportion of complaints received arise from employers' recruitment and selection practices. The mere fact that an employer has an equal opportunities policy in place is not sufficient. The policy must be actively implemented and adhered to.

A claim under the Employment Equality Acts, 1998-2004 can cost a company up to twice annual salary and also considerable monies from non-selected candidates if their claim is justified on any of the 9 grounds of discrimination.

Many of Ireland's most reputable employers have found themselves in murky legal waters due to the manner in which they handled recruitment and selection processes. The list now includes Superquinn, the Revenue Commissioners, University College Dublin, the Coombe Hospital, Gateaux, Independent Newspapers, the Eastern and Southern Health Boards, Nenagh Urban District Council, the Medical Council, the Central Statistics Office, Donegal County Council and VEC and Laois VEC.

- Ryanair was ordered to pay €8,000 compensation to the Equality Tribunal for placing an advert for a 'young and dynamic professional'.
- Lidl was ordered to pay €5,000 compensation to the complainant when they advertised for a graduate with no more than 2/3 years' experience.
- Trinity College Dublin also found itself in trouble when job applicant Lisa Rodmell was referred to as the "lady electrician" at an interview board.
- Clonmel Healthcare's interview discussion with Majella McDonald about her marital and family circumstances, resulted in the organisation having to pay for her 'distress'.
- Regarding the appointment of a consultant obstetrician/gynaecologist to the Mater and Rotunda hospitals, the hospitals were rebuked for their interviewers' "lack of any notes, failure to agree criteria prior to interview, and the lack of any transparency in relation to the selection procedure." The complainant claimed that one member of the interview board made the comment: "that's fine, sink the sisters", after she responded that she wouldn't be interested in doing voluntary work in the hospital's Sexual Assault Treatment Unit. Interestingly enough, male applicants weren't asked whether they would do this work. Furthermore, the interview board "complimented" Dr. Gleeson for having "had her babies". Not surprisingly, the Court ordered the hospitals to pay her £50,000 compensation.

While this Equality Act forces employers to explain themselves in the event of a legal challenge, it is also interesting that in 1998 the Freedom of Information Act took effect. This gives job applicants "the right to be given reasons for decisions taken by public bodies that affect them."

### Objective Criteria

This case highlights the importance of questioning, assessment against objective criteria and record-keeping.

Dr. Ronaldo Munck – v- National University of Ireland, Maynooth (DEC-E2005-030): the respondent was ordered to pay €10,000 to the candidate for discriminating against him on the race ground by rejecting him for the post of Professor of Sociology. The reasons were: the overall tone of the interview was negative, he did not understand ‘the Irish way’, there was very little discussion of his CV or his proposed plan for the department as was requested in the job advertisement, and there was no marking system or interview notes.

### **Age Discrimination**

Asking a candidate questions during an interview which may suggest that they could be prejudiced by their age has been found to be less favourable treatment on the ground of age. In *Hughes v AerLingus*, the complainant, a candidate aged over 50, was asked how she would cope with younger people being in charge, and how she would feel about starting “at the bottom of the ladder”. The Equality Officer found that, although the respondent did not discriminate against the complainant because of her age in its failure to offer her a cabin crew position, it had discriminated against her in the manner in which she was questioned at interview. The Equality Tribunal considered that such questioning could have hindered the complainant’s performance at interview and ordered the respondent company to pay her compensation of €5,000 for the distress she suffered in relation to the discriminatory line of questioning. The Equality Officer also ordered that the complainant be given an opportunity to be interviewed again by a different interview panel or, alternatively, offered a cabin crew position.

### **Note Taking**

Detailed notes should be taken of all interviews and the reasons why each candidate was either successful or unsuccessful should be documented. This information should be kept for at least 12 months after the recruitment process. The importance of keeping detailed notes of the grounds on which a selection decision was reached cannot be overstated. If an organisation fails to keep such records, it will be very difficult for them to prove that the selection process was not discriminatory on the age ground. Indeed, the Equality Tribunal may draw an inference of discrimination from the lack of such records. Records are of particular importance where the applicants have the same experience and qualifications. Once a prima facie case of discrimination has been established, the burden of proving that there was no discrimination will fall on the organisation. The importance of keeping records was highlighted in the case of *Meehan – v- Leitrim County Council*. The complainant was significantly more qualified than the applicant who was awarded the position. The County Council claimed that the successful candidate had been appointed on the basis of a significantly better interview performance. However, without any real evidence as to how the Board had conducted the interview, the County Council was unable to rebut the presumption that age discrimination had occurred.

Arising from cases already brought under the Equality Acts, they have determined that shortlisting boards and interviewers must make the notes they made in relation to unsuccessful interviewees available to them, provide access to the criteria and marking schemes used by the board and advise interviewees of their order of merit and actual marks.

## Section 2 - How to minimise discrimination in Recruitment and Selection

A good selection procedure should assure that the best qualified and most suitable candidate gets selected. The selection process should be driven by the key demands/requirements of the course, rather than bias or discrimination on the basis of the candidate's sex, marital status, family status, sexual orientation, religion, age, disability, race or membership of the travelling community.

**Training:** ensure that all staff involved in interviewing receives training covering discrimination and the provisions of the Equality Acts.

**Recruitment:** avoid potentially discriminatory language or criteria at all stages of the recruitment process – advertising, application forms, interviews, shortlisting, job and person specifications.

- Establish selection criteria before assessing CVs or application forms
- Establish consistent, transparent and objective criteria against which to ask questions and to mark. These criteria should be based on the job requirements and the 'ideal' type of person suitable for the position.
- A marking scheme should be devised, with the bulk of the marks available to those key criteria identified above
- Do not ask any direct or indirect discriminatory questions but instead questions should refer to the key requirements of the course. Care should be taken that questions relating to marriage plans, family planning intentions, children, age, religion, distance from work etc. should not be asked.
- Where it is necessary to assess whether personal circumstances will affect performance on the course (i.e. where the course involves unsocial hours or extensive travel), relevant questions should be asked equally of all candidates and the answers should be evaluated on the same basis. Use 'statement-question' approach for interview hotspots. Examples: "This job often requires working into the evening. Do you have any problem with that?" Instead of "Do you have kids to take care of?" "This job requires work with certain hazardous substances. Do you have any problem with that?" Rather than "Are you pregnant?"
- Ask the same core consistent, transparent and objective criteria related questions of all candidates, while specific questions may differ, cover the same topics/issues with each candidate
- Two people should interview for validation, where possible, interview panels/boards should not be comprised of persons of one sex only, and all persons who conduct or participate in interviews should be properly trained in the area.
- Take notes during the interview to support your decision and aid recollection
- Each interviewer should score candidates in a detailed manner against the consistent, transparent and objective requirements
- Decisions are made after not during the interview

### Note Taking / Record-Keeping:

- Limit your notes / comments to those areas in which you have professional competence. e.g. "John knows his physics." not "John is bright." "John expressed grave concern about management commitment." not "John is paranoid." "Mary only wanted to focus on future possible assignments." not "Mary is over-qualified."
- Make no notes or comments regarding the 9 protected categories
- It is suggested that you prepare formal memos "to the file" immediately after the interview
- This is the *only* material that should be shared with others

- Assess what you wrote like a judge, arbitrator, or jury would
- Destroy your informal notes as soon as formal memo is prepared
- Keep all documentation relating to the recruitment process and any other relevant documentation which could be used in providing information in relation to equality issues for at least one year (ideally 18 months) after the process is completed.
- Records should clearly show why candidates were or were not selected.
- When in doubt get expert advice. *If you stay well back from the line of illegality, you won't find yourself on the wrong side*

**Qualifications and Tests** When assessing qualifications, take account of equivalent qualifications such as those obtained outside Ireland and make sure you verify these. If using assessment tests, questionnaires or exercises make sure they are relevant to the job. Ideally you should inform candidates beforehand and only use professionally produced tests administered by qualified persons.

**Equal Opportunities Policy:** ensure that your organisation has an equal opportunities policy in place which outlines the company's commitment to treating everyone equally. This policy should be strictly adhered to in practice, updated regularly and brought to the attention of all staff and employees.

## Section 3 – Interview Techniques

### 2.1 Types of Interviews

**Screening** - Removes clearly unqualified candidates

Usually conducted by HR or specialist on recruiting trip

Generally quite short (5 - 15 minutes)

Eliminates applicants who are clearly not qualified

Screens out those whose personalities clearly would not fit in that organisation's culture

Consists of probing questions to determine technical competence

Open ended questions to assess personality

Limit number of interviewees to 8 in one day

Schedule a 15 minute break between interviews

Write your comments *immediately* after the interview

**Traditional, non-directed, non-focused** - "Tell us about yourself & your experience"

Relies primarily on traditional questions "Tell me about yourself" "What are your career goals?"

Consists of a series of questions without real focus or direction

Makes incisive distinguishing among candidates difficult

Typical of interviewers who have never received training in interviewing but it actually requires subtle listening skills

Evaluation subject to hidden biases

**Behavioural** - "How have you behaved?"

Ask for examples to provide evidence that candidate has the skills & intangibles required for the role

Most questions should parallel challenges of the role and some general behavioural questions to assess intangibles.

"Describe an experience where you were especially creative in solving a problem."

Insist on a specific example for each question, do not accept generalities

"Peel the onion" ask for dates, places, and numbers

- Discuss candidate's role
- Talk about specific problems they encountered;

Describe how they solved the problems

Probe for contrary evidence

*Review questions to be sure they are open-ended*

**Situational** - "How would you behave?"

Focus is on problem solving

Candidates respond to hypothetical on-the-job situations designed to draw out analytical & problem-solving skills & demonstrate how candidate handles problems with short notice & minimal preparation

Examples: "How would you handle....."

... an angry client who was promised goods on a certain schedule, but because of delays you are not able to deliver?"

... a co-student who habitually arrives late & causes minor disruptions leading to delayed project deadlines?"

*Most appropriate when the major job challenges are dealing with people*

**Stress** - "Can you handle the pressure?"

Typically used only for high stress positions

Stress techniques:

- Asking several questions rapid-fire questions in a row
- Acting rude or sarcastic, interrupt your answers
- Keep the candidate waiting for a long period, extended silence
- Asking off-the-wall questions

## 2.2 Building Rapport

Remember an interview is a two-way process, you are selling GTI as much as they want a place in your school. You don't get a second chance to make a good first impression. Try to put the candidate at ease, you will get so much more out of them if you do so. Make polite general 'chit-chat' before you get into the formal interview. Ensure this general 'chit-chat' is not discriminatory. Acknowledge that they may be nervous and it is natural to feel like that, perhaps ask them would they like a drink of water. Body language and tone of voice have a greater impact than the actual words spoken. Communication is made up of 7% **Words**, 38% **Tone of Voice**, 55% **Body Language**

- *Non-verbal signals*

A firm but not crushing handshake is the one to go for. The wet fish technique is a guaranteed turn off.

- *Physical Posture*

Don't slouch in your chair, slouching says "I don't care". Walk and sit up straight.

- *Eye Contact*

Always look the candidate in the eye, but not in a way that could have you sectioned.

- *Body Language*

Don't fidget and don't play around with your hair, pen, nails, chair, jiggle your knees, tap your leg or anything else. It drives people crazy and will distract them.

- *Pace yourself*

Speak deliberately more slowly than you would normally. There's a trick here. You'll be revved up, so you will naturally speak more quickly than normal. If you concentrate on pronouncing your words individually, you'll actually be speaking at a normal speed. It will help the candidate understand you more.

## 2.3 Questioning

The purpose of questions is to elicit information – good questions are clear and elicit relevant and useful information. Don't ask leading questions (i.e. the question is asked in such a way that you are almost 'putting words in their mouth' in order to get the answer you are expecting). Don't ask multiple questions together, it will be confusing and the candidate will not know which one to answer.

### Types of Questions

*Open* – used to get a broad response and gather information

- Tell me about a time when you.....
- After that what did you do next.....

Open questions get the candidate talking (hopefully!), however ensure you control the interview and don't let them speak for too long

*Closed* – normally elicit a yes, no or mono-syllable response

- Do you like computers?
- What time did your class end?

Closed questions are useful to confirm something or to conclude a discussion in order to move on to the next topic.

### Are these questions discriminatory or not?

You must be careful not to post questions which are actually discriminatory, or which could give rise to an inference of discrimination under the 9 headings. So questions relating to candidate's sex, marital status, family status, sexual orientation, religion, age, disability, race or membership of the travelling community should be avoided -- both on the application form and at interview. The real danger is that questions of this nature may be taken as an indication that the applicant must satisfy conditions which would not apply to for example, a single people, persons of a different sex, race, community group or age bracket.

		Discriminatory	
No.	Question	Yes	No
1	This job involves: Saturday working & some late evenings how does this sound to you?		



2	What age are you?		
3	Entrance to this career is based on educational qualifications xxxx, do you have these qualifications?		
4	Do you realise the effect that this job will have on your marriage - "you'll never see your spouse"?		
5	How many children do you have?		
6	Are there many from your country living in here?		
7	To join this company you must have experience in ABC, can you tell me a bit about your experience in this area?		
8	How will you have your children minded when you are working?		
9	Would you find it difficult to take direction from a woman?		
10	What age are your children?		
11	This job involves: a group task incorporating other colleagues and some individual work how does this sound to you?		
12	Are you thinking of getting married?		
13	What do/did your parents do for a living?		
14	What does your partner think about you doing the course?		
15	There is a good deal of Saturday class work, how do you feel about this?		
16	Do you have brothers and sisters?		
17	Do you intend on having any children?		
18	Is your partner available to share the child minding responsibilities?		
19	In this job there is some intimate contact with fellow colleagues, what is your sexual orientation?		
20	This job involves: 100% attendance rate, how does this sound to you?		
21	How much maternity leave have you taken?		
22	Your name sounds foreign, are you an Irish citizen?		
23	This job involves: a great deal of physical activity when putting your group & individual projects together, how does this sound to you?		
24	Did your brothers and sisters go to college?		
25	How do you deal with conflict?		
26	Where did you grow up?		
27	We suggest that employees wear comfortable clothes to class as some of the class work can be quiet physical, your Sari (dress) does not seem appropriate		
28	Are you renting your home at the moment?		
29	Does your religion prevent you from working on certain days?		
30	What experience do you have of teamwork?		
31	What national school did you go to?		
32	How will you juggle college and family?		
33	If offered the job, will you be able to verify your legal entitlement to remain in Ireland?		
34	Do you live alone?		
35	Would you find it difficult to attend work where the supervisor is younger than you?		
36	There are a number of employees from the Travelling Community on this course, how will you interact with them?		
37	Are you planning to retire in the next few years?		
38	You would be working mainly with men, would this make you uncomfortable?		

39	The job involves a lot of heavy lifting do you think you are able for this?		
40	How do you deal with stress?		
41	We don't normally get male applicants for this job, how would you feel about being with an all women group?		
42	I don't think we can allow you wear your turban in work, how would you feel about that?		
43	We work on Sunday mornings, would this prevent you from going to mass?		
44	I see you wear a hearing aid, does this affect you when using headphones?		
45	In the past a few of the Travelling Community have brought trouble to our doors, will you do the same? How do you plan to keep your nose clean?		
46	Here in XY Company we have a kind of "Way", how do you think Polish people would fit in best here?		

### Suggested Questions

- Tell me about yourself...
- What are your strengths?
- What is your main weakness?
- Why should we give you this job?
- What can you do for us that other candidates can't?
- What are your goals?
- Where do you see yourself in five years time?
- Why do you want to work here?
- Do you have any questions for us?
- How would you deal with .....?
- Tell me about a time when you were involved in....?
- Communication is an important factor, describe a time when you communicated well
- Creativity and Innovation are key competencies for us here – describe a time when you demonstrated them?
- Ethics are something which we hold in high esteem, tell me about a time where you can an ethical conflict
- Customer Service is a critical component of this role, what does customer service mean to you and describe your proudest achievement in this area
- Tell me about a difficult situation, what you did and what you learned?
- Why are you applying for this job and what do you hope to learn from it?
- Have you completed other courses in the past and if so tell me about it?
- How will you approach work?
- Teamwork is important, give me an example of when you demonstrated good teamwork
- What has been the most difficult time for you in work/college/school, and why?
- Tell me about a time when you were involved in conflict, what did you do and what have you learned as a result?
- What has been your greatest achievement and why?
- Where do you see yourself in 5 years time?
- Why should we give you the job?

### 2.4 Listening

70:30 Rule – you should be talking 30% of the time and listening for 70% of it, the reverse is true of the candidate. We remember only 25-50% of what we hear, therefore when you talk to someone for 10 minutes, they only really hear 2½-5 minutes of the conversation! The way to become a better listener is to practice, this is where you make a conscious effort to hear not only the words that another person is saying but, more importantly, to try and understand the total message being sent. In order to do this you must pay attention to the other person very carefully. You cannot allow yourself to become distracted by what else may be going on around you, or by forming counter arguments that you'll make when the other person stops speaking. Nor can you allow yourself to lose focus on what the other person is saying. All of these barriers contribute to a lack of listening and understanding.

## **2.5 Being affirmative**

Finally, you should be cognisant that you need to stand over and be responsible for all your selection decisions. You need to prove that all candidates were treated equally, fairly and reasonably, and that they did not subject candidates, directly or indirectly, to any discriminatory requirement that could not be justified.

### **Questions for Consideration**

Do you have adequate guidelines to enable you make decisions on candidates' suitability?

Do you ask questions that could potentially be discriminatory?

Do you believe your approach to selection ensures you meet the candidates' needs?

Do you think your record keeping is sufficient, particularly where there is competition for places or if someone challenges your decision?

Does your existing scoring sheet need to be modified?