



Recommendations

This list of recommendations is intended to be used as a quick reference and handy reminder covering only the recruitment and selection provisions. It should be read in conjunction with the main document "Code of Practice for employers for the elimination of racial discrimination and the promotion of equality of opportunity in employment".

Introduction

The Race Relations (Northern Ireland) Order 1997 makes it unlawful to discriminate against a person, directly or indirectly, in the field of employment.

Direct discrimination consists of treating a person, on racial grounds*, less favourably than others are or would be treated in the same or similar circumstances.

Segregating a person from others on religious grounds constitutes less favourable treatment.

Indirect discrimination consists of applying, in any circumstances covered by the Order, a requirement or condition which, although applied equally to persons of all racial groups, is such that a considerably smaller proportion of a particular racial group can comply with it, it cannot be shown to be justifiable on other than racial grounds and it is to the individual's detriment (page 5 – 6).

The Responsibilities of Employers

Responsibility for providing and maintaining equality of opportunity for all job applicants and employees rests primarily with employers. To this end it is recommended that they should adopt, implement and monitor an equal opportunities policy to ensure equality of opportunity is genuinely available (page 8, para 2.1).

This policy should be clearly communicated to all employees e.g. through notice boards, circulars, contracts of employment, written notifications to individual employees and by way of racial awareness training (page 8, para 2.2).

It is important to maintain a working environment which is free from racism and racial harassment (page 9, para 2.4).

* Racial grounds are the grounds of race, colour and nationality – including citizenship – or ethnic or national origin. Groups defined by reference to these grounds are referred to as racial groups, as are persons belonging to the Irish Traveller community (page 5).

1. Sources of Recruitment

Advertising

- 1.1 When advertising job vacancies it is unlawful for employers to publish an advertisement which indicates, or could reasonably be understood to indicate, an intention to discriminate against applicants from a particular racial group (page 9, para 2.5).
- 1.2 It is recommended that:
- employers should not confine advertisements unjustifiably to those areas or publications which would exclude or disproportionately reduce the numbers of applicants of a particular racial group;
 - employers should ensure that any requirement or condition is job related and can be justified. Where a particular qualification is required, employers should accept a qualification of an equivalent standard obtained overseas (page 10, para 2.6).
- 1.3 In order to demonstrate their commitment to equality of opportunity, it is recommended that, where employers send literature to applicants, this should include a statement that they are an equal opportunities employer, or working to become an equal opportunities employer (page 10, para 2.7).

Employment Agencies

- 1.4 When recruiting through employment agencies, T&EA offices and schools it is unlawful for employers:
- to give instructions to discriminate, for example by indicating that certain groups will or will not be preferred;
 - to bring pressure on them to discriminate against members of a particular racial group (page 10, para 2.8).

Other sources

- 1.5 It is unlawful to use recruitment methods which exclude or disproportionately reduce the numbers of applicants of a particular racial group and which cannot be shown to be justifiable (page 10, para 2.9).

2. Sources for Promotion and Training

- 2.1 It is unlawful for employers to restrict access to opportunities for promotion or training in a way which is discriminatory (page 11, para 2.10).

3. Selection Procedures

- 3.1 It is unlawful to discriminate on racial grounds in recruitment and in the arrangements made for determining who should be offered employment (page 11, para 2.11).

Selection criteria and tests

- 3.2 In order to avoid direct or indirect discrimination, it is recommended that selection criteria and tests are examined to ensure that they are related to job requirements and are not unlawfully discriminatory (page 11, para 2.12).

4. Treatment of Applicants

Shortlisting, interviewing and selection

- 4.1 Staff should be instructed not to treat applicants from particular racial groups less favourably than others. These instructions should be confirmed in writing (page 12, para 2.13).
- 4.2 A job description and personnel specification should be prepared before recruitment commences (page 12, para 2.13).
- 4.3 Staff responsible for shortlisting, interviewing and selecting candidates should be:
 - agreed on the selection criteria and of the need for their consistent application;
 - given guidance or training on the effects which generalised assumptions and prejudices about race can have on selection decisions;
 - made aware of possible misunderstandings that can occur in interviews between persons of different cultural background.
- 4.4 Shortlisting, interviewing and selection panels should comprise two or more people (page 13, para 2.13).

5. Genuine Occupation Qualifications

- 5.1 Selection on racial grounds is allowed in certain jobs where being of a particular racial group is a genuine occupational qualification for that job (page 13, para 2.14).

6. Terms of Employment, Benefits, Facilities and Services

- 6.1 It is unlawful to discriminate on racial grounds in the terms of employment which are afforded and in the provision of benefits, facilities and services for employees (page 15, para 2.19).

7. Cultural and Religious Needs

- 7.1 Where employees have particular cultural and religious needs which conflict with existing work requirements, it is recommended that employers should consider whether it is reasonably practicable to vary or adapt these requirements to enable such needs to be met (page 16, para 2.23).
- 7.2 Although the Order does not specifically cover religious discrimination, work requirements would be generally unlawful if they have a disproportionately adverse effect on particular racial groups and cannot be justifiable (page 16, para 2.24).

8. Communications and Language Training for Employees

Although there is no legal requirement to provide language training, difficulties in communication can create barriers to the provision of equality of opportunity in the workplace. Good communication can improve efficiency, promotion prospects, health and safety and create a better understanding between employers, employees and unions. Where the workforce includes current employees whose English is limited it is recommended that steps are taken to ensure that communications are as effective as possible (page 17, para 2.25).

9. Monitoring of Equality of Opportunity

Whilst it is not a legal requirement of the Order, it is recommended that employers should regularly monitor the outcome of selection decisions and effects of personnel practices and procedures in order to assess whether equality of opportunity is being achieved (page 19, para 2.32).

10. Positive Action

- 10.1 Although they are not legally required, positive measures are allowed by the law to encourage employees and potential employees, and to provide training for employees who are members of particular racial groups which have been under-represented in particular work. Discrimination at the point of selection for work, however, is not permissible in these circumstances (page 21, para 2.41).