



You, the Candidate and the Law

The law can be a tricky thing when you are recruiting and completing the process yourself. There are laws bound to the process of advertising, interviewing and gaining references. These laws have been put in place to protect both the employer and the candidate, so that people are not discriminated against on the grounds of age, sex or ethnicity. These laws are also there to ensure that the person you are employing has a legal right to work in this country.

As an employer you must be aware of these laws and so to assist you here is our guide "You, the Candidate and the Law" to help you out.

Advertising

Terminology is important when placing a job advertisement.

When placing an ad, always make sure that you do not discriminate against anyone in the process on the grounds of age, sex or race. This can be positively or negatively, for example:

- "We want a keen young trainee" would be **age discrimination**
- "Man needed for heavy lifting" would be **sex discrimination**
- Only Indian nationals need apply would be **race discrimination**

You can only actively discriminate if the characteristic that you are looking for is truly relevant to the job, for example you need a female security officer to conduct searches on women.

You should ensure your advertising does not break the law. For example, advertising a job with a salary of £3 an hour would be illegal (**minimum wage law**) as would advertising a job where people were expected to work continually for more than 6 hours with no breaks (**working time directive**).

Interviewing

- Do not use any sexist comments, even if these are intended as a joke
- Avoid questions such as "are you planning on having children"?
- Treat people equally and avoid personal bias
- Try to judge someone's suitability for a role purely on his or her skills and experience
- Try not to over promise during an interview and always give realistic information

Should you get a disabled applicant for your job, try to ask questions about how you can help them to do their work in spite of their disability, rather than why the disability stops them doing it. Remember that if a candidate has a disability but is still the best person for the job, you may be able to get a grant from the government in order to provide some reasonable workplace adjustments.

Right to employment

When you interview an applicant, always check if he/she has a legal right to work in the UK. UK or EU citizens will have that right automatically. It is important to also do a **disclosure and barring service check (DBS — previously known as a CRB check)** on anyone who will be working with children or in a position of trust.

Statement of employment

Your new employee is now entitled to a written statement of employment within their first two months. This will give all the details of their job such as their salary, hours of work and holiday entitlement. It also clarifies the business's policies on sick leave as well as the disciplinary and grievance procedure.

Tax responsibilities

When you employ someone to a particular post, during their induction you should collect all their taxation details (P45 etc). When you process their pay, don't forget that it is your responsibility as the employer to ensure that Pay as You Earn (PAYE) and National Insurance deductions are correctly made, as well as any student loan payments.

To sum up...

The above information is only a brief guide, so when you next recruit make sure you check out the law with regards to all the above mentioned points. Alternatively you may choose to engage an experienced recruiter who will be able to guide, advise and assist you.

I hope you find this insight useful and, if you have any questions about using a Recruiter, feel free to contact me directly on 01482 650399 or email me at angela@ahrecruitment.net.

Call us, tweet us, pop in and see us — or we can come and see you



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