

# DO'S & DONT'S OF HIRING & CANDIDATE EXPERIENCE

## OVERVIEW

### Legalities

A large part of the Do's and Dont's of Hiring are about avoiding discrimination and keeping to the bounds of the law. Below we will cover off the legalities of recruitment and some tips to keep in mind when you next hire.

State and federal laws make discrimination based on certain protected categories illegal:

- national origin
- citizenship
- age
- marital status
- disabilities“How I
- arrest and conviction record
- military discharge status
- race
- gender or
- pregnancy status.

### Candidate Experience

There are other do's and dont's that link to the candidate experience, and in turn the employer brand. The experience that candidates have during a recruitment process with an organisation, greatly impacts whether they pursue a position or not. To attract top talent, in an increasingly competitive labour market, candidate experience has become important for organisations to focus their attention on.

# LEGALITIES

## The Do's.

THE DO'S	CONSIDERATIONS
<b>Cast the net widely</b>	<ul style="list-style-type: none"><li>• Cast the net as widely as possible to attract a diverse pool of applicants.</li><li>• Job ad content must be inclusive in its language and not block out certain applicants with certain characteristics or demographics.</li></ul>
<b>Fair &amp; equitable</b>	<ul style="list-style-type: none"><li>• Prepare for the Recruitment Process ahead of time.</li><li>• Be consistent and fair in the way you treat candidates.</li><li>• Develop a set of common interview questions that ALL candidates will be asked.</li></ul>
<b>Accommodate Disabilities</b>	<ul style="list-style-type: none"><li>• Interview should be conducted at a venue that is accessible to people with disabilities.</li><li>• You must be able to accommodate people who require adjustments.</li></ul>
<b>Set aside personal bias, myths and stereotypes</b>	<ul style="list-style-type: none"><li>• Short-list applicants according to the requirements of the job.</li><li>• Focus on the essential requirements of the job.</li></ul>
<b>Keep records of your decisions</b>	<ul style="list-style-type: none"><li>• Select the person best suited to the job, according to the requirements.</li><li>• Clearly document your reasons for making decisions to help you to provide feedback to applicants later.</li></ul>

## The Dont's

- The **general rule of thumb** is to not seek irrelevant personal information from applicants. If it doesn't relate specifically to the job then steer away from it. Focus exclusively on the skills and abilities needed to perform the job.
- **HR team members and Recruitment agents** must not follow through with discriminatory requests from Hiring Managers that relate to a person's age, sex, race, disability or any other characteristic protected under state or federal anti-discrimination laws.
- **Discriminatory advertising** is against the law, with fines applying to organisations and individuals. Using phrases like 'join a dynamic team' or 'seeking mature, experienced professional' suggests that you will only consider applicants of a certain age. Ensure your advertisement does not include words, phrases or euphemisms that could be seen as restrictive or discriminatory.



THE DO'S	CONSIDERATIONS
<b>AGE</b>	
How long have you been working?	<ul style="list-style-type: none"> <li>You can't ask this question.</li> <li>It allows the employer to guess a candidate's age which is unlawful.</li> <li>You also can't ask which year they graduated from high school or university.</li> <li>You can ask you how long they've been working in a certain industry.</li> </ul>
<b>CRIMINAL RECORD</b>	
Have you ever been arrested?	<ul style="list-style-type: none"> <li>An employer can't legally ask about arrest records.</li> <li>You can ask if they've ever been convicted of a crime.</li> <li>Depending on the state, a conviction record shouldn't automatically disqualify someone for employment unless it substantially relates to the job.</li> </ul>
<b>FINANCIAL POSITION</b>	
How much are you currently getting paid?	<ul style="list-style-type: none"> <li>It is illegal to discriminate against a candidate because they are employed, unemployed, or on a benefit.</li> <li>This question can be seen to discriminate.</li> <li>Best to ask "What are your salary expectations?"</li> </ul>
Do you have any outstanding debt?	<ul style="list-style-type: none"> <li>You can't ask you how well they balance their personal finances or inquire about ownership of property.</li> <li>Similar to a criminal background history, you can't disqualify from employment unless it directly affects their ability to perform the position you're interviewing for.</li> <li>Employers have to have permission before asking about credit history.</li> </ul>
<b>INJURY &amp; ILLNESS</b>	
Have you had any past injuries/illnesses?	<ul style="list-style-type: none"> <li>This relates to a protected attribute (disability) and is unlawful to ask.</li> <li>How much sick leave they took in the previous year or other questions about health conditions is not allowed.</li> <li>You can ask - "Do you have any medical conditions that would mean that you are unable to lift heavy items around 20kg?"</li> </ul>
Have you made any claims through Workcover?	<ul style="list-style-type: none"> <li>This relates to a protected attribute (disability) and is unlawful to ask.</li> </ul>
<b>MARITAL STATUS, PREGNANCY &amp; DOMESTIC &amp; FAMILY VIOLENCE</b>	
Are you married?	<ul style="list-style-type: none"> <li>Marital status can also reveal sexual orientation which is also protected.</li> <li>It doesn't relate to someone's ability to do the job. Which is what this process is all about.</li> </ul>
Domestic and family violence	<ul style="list-style-type: none"> <li>Is a <u>new</u> protected attribute in anti-discrimination legislation</li> <li>It provides another avenue of protection for victims and survivors who experience discrimination.</li> </ul>
Do you have children?	<ul style="list-style-type: none"> <li>It is unlawful to deny someone employment if they have children or if they are planning on having children in the future.</li> <li>To find out how committed someone will be to your job focus questions about their work. For example, 'What hours can you work?' or "Is there anything that may limit your ability to travel for this position?"</li> </ul>





<b>How do you juggle work and looking after your children?</b>	<ul style="list-style-type: none"> <li>It's illegal because it suggests that family responsibilities are relevant to the decision of whether to employ someone or not.</li> </ul>
<b>NATIONAL ORIGIN</b>	
<b>What country are you from?</b>	<ul style="list-style-type: none"> <li>If a candidate has an accent, this may seem like an innocent question but it's illegal to ask.</li> <li>You can ask if they're authorised to work in a certain country though.</li> </ul>
<b>Is English your first language?</b>	<ul style="list-style-type: none"> <li>It's not an employer's lawful right to know if a language is a candidate's first language or not.</li> <li>You can ask you what other languages they read, speak, or write fluently. It should relate to the job though.</li> </ul>
<b>OTHER</b>	
<b>Are you a member of a union?</b>	<ul style="list-style-type: none"> <li>This relates to a protected attribute and is unlawful to ask.</li> </ul>
<b>Do you use drugs or alcohol?</b>	<ul style="list-style-type: none"> <li>Put simply, you cannot ask this question.</li> <li>If there are certain requirements of the job that may be impacted by medication that someone is taking then you can ask if there is anything that may prevent them from being able to do a particular function of the job?</li> <li>The rest is over to drug &amp; alcohol testing in line with workplace policy.</li> <li>No employer has the right to dictate what drugs or alcohol its employees use in their own time.</li> <li>However, drug testing can only be legitimised on work, health and safety grounds.</li> </ul>

## CANDIDATE EXPERIENCE

### What is it?

It's all the touchpoints of the recruitment process that come together to create an experience for the candidate. From the job ad, application form, interviews and the way in which feedback is given, these are all touchpoints that form the candidate experience.

### Why is it important?

Given that almost 50% of applicants have had no prior contact with a company before applying, first impressions count.

#### **You'll be more attractive top candidates.**

Put simply top talent, which is what most Hiring Managers are after, don't want to work for a workplace that is disorganised, disrespectful and who don't care about the hiring process.



## Strengthen Your Employer Brand.

It will also help to improve the way your organisation is perceived, as an employer. In a digitally connected world where information is shared at lightning speed, you want to be sure your employer brand is strong.

# Internal Applicants.

This can be touchy and at times awkward.

Whilst, internal applicants shouldn't be given preferential treatment or consideration because they are internal, there are sensitivities that must be considered as the way in which internal applicants are dealt with greatly impacts their experience, those around them and the culture of the organisation.

Some considerations to keep in mind when dealing with internal applicants:

- The focus for all open positions should be to hire the best person for the job.
- At the very least need to ensure that all internal applicants are acknowledged and spoken to.
- If they're not successful in reaching the next stage of the process ensure they are provided with clear feedback.
- It is critical that you notify all unsuccessful internal applicants BEFORE an official announcement is made.
- If they do move along the process discuss with the candidate the most appropriate time to notify their current Manager.

### SIMPLE THINGS WE CAN DO TO POSITIVELY IMPACT CANDIDATE EXPERIENCE

<b>Clear communication &amp; transparency:</b>	<ul style="list-style-type: none"><li>• Provide status updates to everyone.</li><li>• Provide a thank you at application stage and when they can expect to hear from us.</li><li>• Paint the picture of our process, timeline, next steps, what we need from them at various stages.</li><li>• Company values are important to candidates and it influences their decision. Talk about them.</li><li>• Be transparent about the downsides of the job (without being too negative).</li><li>• Inform them who will be on the interview panel, their position and tips on what to prepare or what the interview will be about.</li></ul>
<b>Efficient &amp; Fair process:</b>	<ul style="list-style-type: none"><li>• Candidates hate a lengthy Application process, top candidates even more so. Keep it simple and only request what is absolutely necessary upfront. The rest can wait.</li><li>• Provide a feeling of respect and that the candidate has been given the best chance of presenting their skills and capability.</li></ul>
<b>Respect:</b>	<ul style="list-style-type: none"><li>• Respect the candidate's time and effort that they have put into the process.</li><li>• Show up, be on time and be interested.</li></ul>
<b>Provide Feedback:</b>	<ul style="list-style-type: none"><li>• Close the loop on all applicants even the ones who don't get the job.</li><li>• Provide feedback. They're 4x more likely to consider the company again if you do.</li></ul>