

# Employment, Recruitment and Contracts

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# Employment and Recruitment

- The key stages:-
  - Vacancy;
  - CVs and Application Forms from prospective candidates;
  - Selection criteria applied for interview;
  - Interviews;
  - Post interview assessment;
  - Job offer made.

# How to advertise a job

- According to the law, you cannot usually refer to 'protected characteristics' (such as a person's sex or race) in a job advert.

## Examples:-

Barmaid- discriminates against someone's sex.

Clothing requirements- hairnet in a kitchen.

“recent graduate” or “highly experienced” – these can discriminate against age (you must be able to prove you have a good reason for any job requirement in your advert).

# Describe what the job involves

- To make clear what the job requires and help avoid unintended discrimination, it's a good idea to provide the following:
- job description
- job application form
- person specification
- information about your business
- equality and diversity monitoring form

# Choosing who to interview

You do not have to interview someone before giving them a job unless your business has rules that say you do.

- Even if you do not have to interview, doing so is a good idea so that you:
  - can find out if the person really is right for that job.
  - do not leave anyone thinking you might be discriminating against other people who could do the job.

# Decide who is involved in selecting and interviewing

- It's a good idea for the people involved in selecting and interviewing applicants to:
  - come from a diverse range of backgrounds.
  - use a consistent decision-making process, such as a scoring system.
  - Ideally, 2 or more people should be involved in choosing who to interview. This is so that the business can avoid discriminating indirectly.

# How to select applicants for interview

- Select the applicants who best match the job description and person specification. Do this in a fair way for each person.
- One way of doing this is a scoring system. You can:
  - Turn each point in the job description and person specification into a checklist of, for example, 10 points.
  - Assess the information in each application form against the checklist.
  - Score each application form against the checklist. For example, if the applicant meets 7 of the 10 points, you can score the application as 7 out of 10.

# Interviewing Job Applicants (1)

- Once you've chosen who to interview, it's a good idea to prepare a set of questions to ask at the interview. Questions must not discriminate.
- If possible, each interview should be carried out by more than 1 person to reduce the risk of discriminating.
- It's a good idea to check before the interview that the interviewers are:  
prepared  
understand the law on discrimination.

# Interviewing Job Applicants (2)

- By law you must ask anyone coming to an interview to tell you if they need 'reasonable adjustments' so they can attend. For example, making sure your office is accessible for an applicant with a disability.
- When interviewing it's a good idea to ask each applicant the same questions where possible, to ensure you're treating applicants in the same way.
- Once all the interviews have taken place, make sure you're fair and treat everyone the same when deciding who should get the job. For example, check your decisions are based on how each applicant met each point in the job specification and person specification.

# Offering someone a job

- Once you have decided who to hire you will need to make them a job offer.
- Job offer can be made verbally but always better to do it in writing to avoid subsequent misunderstandings, etc.

# What you should include in a job offer letter

A job offer letter should include:-

- the job title
- confirmation you've offered them the job
- any conditions, for example that the offer depends on suitable references or a health check, criminal records check, etc.
- the terms – including salary, hours, benefits, pension arrangements, holiday entitlement and the location of work
- start date and any probationary period
- what they need to do to accept the offer or to decline it
- the name of the person to contact, with their contact details, in case of any questions

# Check their right to work in the UK

- Before they start work, you must check they have the right to work in the UK. You could be fined up to £20,000 if you do not check this.
- You do not need to do checks for existing employees from the EU, EEA or Switzerland if they came to the UK before 1 July 2021.
- Irish citizens can use their Irish passport and passport card to prove their right to work.
- You will need a sponsor licence to employ EEA and Swiss citizens coming to the UK to work from 1 January 2021.
- You must not discriminate against anyone because of where they are from.

# What an employment contract is?

- An employment contract is a legal relationship between an employer and an employee.
- By law, an employer must provide anyone who's classed as an employee with the terms of their employment in writing (a 'written statement of employment particulars').
- This document must contain a summary of the main terms of employment, such as pay and working hours.

# Terms of a contract

An employment contract is made up of:

- specific terms agreed in writing ('express terms'), such as the employee's pay and working hours
- terms that are part of employment law ('statutory terms')
- terms too obvious to be written ('implied terms') – it can still be a good idea to put these in writing, so everyone's clear about their rights and responsibilities
- terms put into the contract from other sources ('incorporated terms') such as a staff handbook or an agreement affecting many employees.

# What must be written in an employment contract (1)

- the employer's name
- the employee or worker's name
- the start date (the day the employee or worker starts work)
- the date that 'continuous employment' (working for the same employer without a significant break) started for an employee
- job title, or a brief description of the job
- the employer's address

# What must be written in an employment contract (2)

- the places or addresses where the employee or worker will work
- pay, including how often and when (for example, £1,000 per month, paid on the last Friday of the calendar month)
- working hours, including which days the employee or worker must work and if and how their hours or days can change
- holiday and holiday pay, including an explanation of how its calculated if the employee or worker leaves
- the amount of sick leave and pay (if this information is not included in the document, the employer must state where to find it)
- any other paid leave (if this information is not included in the document, the employer must state where to find it)

# What must be written in an employment contract (3)

- any other benefits, including non-contractual benefits such as childcare vouchers or company car schemes
- the notice period either side must give when employment ends
- how long the job is expected to last (if it's temporary or fixed term)
- any probation period, including its conditions and how long it is
- if the employee will work abroad, and any terms that apply
- training that must be completed by the employee or worker, including training the employer does not pay for

# Style contracts

- These are available on The Church of Scotland website.

- Link is below:-

<https://www.churchofscotland.org.uk/resources/law-circulars>

ANY QUESTIONS????